



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

HCR105	2
HF2001	6
HF2002	8
HF2003	12
HF2004	21
HF2005	23
HF2006	27
HF2007	30
HF2008	32
HSB500	38
SF2013	41
SF2014	43
SF2015	45
SF2016	48
SF2017	51
SSB3001	54
SSB3002	56
SSB3003	59
SSB3004	63
SSB3005	67
SSB3006	70
SSB3007	72
SSB3008	74
SSB3009	78
SSB3010	96
SSB3011	99
SSB3012	114



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014**

House Concurrent Resolution 105 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 105

BY COWNIE, HALL, GRASSLEY, LONDON, DEYOE, WORTHAN,
SHEETS, KAUFMANN, STANERSON, MOORE, KLEIN, MAXWELL,
HANUSA, WINDSCHITL, DOLECHECK, BAUDLER, RAYHONS,
L. MILLER, FORRISTALL, DRAKE, BRANDENBURG, HEATON,
UPMEYER, HIGHFILL, HAGENOW, PETTENGILL, ALONS,
SALMON, LOFGREN, HUSEMAN, WATTS, SODERBERG,
HEARTSILL, SANDS, SCHULTZ, VANDER LINDEN, FRY,
S. OLSON, BACON, COSTELLO, HESS, R. TAYLOR,
KOESTER, BALTIMORE, ROGERS, SHAW, BYRNES,
J. SMITH, GASSMAN, FISHER, PAULSEN, JORGENSEN,
HEIN, GUSTAFSON, DUNKEL, HANSON, ABDUL-SAMAD,
GASKILL, M. SMITH, STUTSMAN, KEARNS, BEARINGER,
LYKAM, T. TAYLOR, OURTH, FORBES, STAED, OLDSON,
GAINES, KRESSIG, JACOBY, RIDING, MUHLBAUER, WOLFE,
WESSEL-KROESCHELL, BERRY, PRICHARD, THOMAS, DAWSON,
RUFF, THEDE, KELLEY, WOOD, ANDERSON, STECKMAN,
LENSING, HEDDENS, LUNDBY, HUNTER, MURPHY, WINCKLER,
MASCHER, COHOON, MEYER, and H. MILLER

1 A Concurrent Resolution urging the Federal Emergency
2 Management Agency to reverse its unilateral
3 decision to place new and unachievable conditions
4 on the eligibility of the Department of Homeland
5 Security and Emergency Management, rural
6 electric cooperatives, and municipal utilities to
7 receive storm recovery funding in the event of a
8 presidential major disaster declaration.
9 WHEREAS, since February 2007, Iowa has experienced
10 19 presidential disaster declarations resulting in
11 rural electric cooperative and municipal utility system

LSB 5379YH (8) 85

-1- rn/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.C.R. 105

1 damage in nearly every instance; and

2 WHEREAS, during presidential major disaster
3 declarations occurring in 2007 and 2010, rural
4 electric cooperatives and municipal utilities incurred
5 particularly significant and widespread system
6 damage; and

7 WHEREAS, the Federal Emergency Management Agency
8 adopted policy 9580.6, Electric Utility Repair, in
9 2009, to establish criteria to determine eligibility
10 for repair or replacement of disaster-damaged electric
11 distribution and transmission systems under the
12 authority of rural electric cooperatives, municipal
13 utilities, public power districts, and other public
14 entities following a presidential major disaster
15 declaration; and

16 WHEREAS, since 2009 the Federal Emergency Management
17 Agency has followed and applied policy 9580.6 in
18 Iowa which resulted in the receipt of storm recovery
19 funding by rural electric cooperatives and municipal
20 utilities; and

21 WHEREAS, three Iowa distribution cooperatives,
22 Iowa Lakes Electric Cooperative, Lyon Rural Electric
23 Cooperative, and Osceola Electric Cooperative; one
24 municipal utility, Sanborn Municipal Electric Utility;
25 and one transmission cooperative, L and O Power
26 Cooperative submitted applications for storm recovery
27 funding based upon damage suffered during a late winter
28 storm which resulted in a presidential major disaster
29 declaration issued on May 6, 2013; and

30 WHEREAS, the Federal Emergency Management Agency

LSB 5379YH (8) 85

-2- rn/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.C.R. 105

1 elected to ignore policy 9580.6 and denied the
2 applications to rebuild damaged transmission and
3 distribution lines in the manner funded by the agency
4 since 2007, stating that the utilities had failed to
5 perform physical testing of their lines before and
6 after the storm; and

7 WHEREAS, for the first time in the nation, the
8 Federal Emergency Management Agency has determined that
9 these utilities have not been able to substantiate
10 that their conductor was in good repair and was
11 properly maintained prior to the storm event because
12 unprecedented physical testing of their overhead lines
13 was not performed; and

14 WHEREAS, the Iowa Utilities Board requires
15 electric utilities to prepare and submit for approval
16 reliability plans and to perform system inspections to
17 ensure that their systems are well maintained, safe,
18 and reliable; and

19 WHEREAS, the Federal Emergency Management Agency
20 has been provided copies of the reliability plans and
21 inspection reports for the applicant cooperatives and
22 utilities, all of which substantiate that their systems
23 were well maintained prior to the storm; and

24 WHEREAS, the testing required by the Federal
25 Emergency Management Agency in ignoring policy 9580.6
26 is not required by any federal, state, or local
27 regulatory body, is not performed as a matter of
28 industry practice, and is not known to satisfy any
29 industry or engineering standard; and

30 WHEREAS, the loss of Federal Emergency Management

LSB 5379YH (8) 85

-3- rn/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.C.R. 105

1 Agency storm recovery funds will have a significant
2 detrimental financial impact on Iowa's rural electric
3 cooperatives and their member consumers and on Iowa's
4 municipal utilities and their customers; NOW THEREFORE,
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
6 THE SENATE CONCURRING, That the Federal Emergency
7 Management Agency and specifically the Federal
8 Emergency Management Agency Region VII are urged to
9 reconsider their detrimental policy decision denying
10 storm recovery funding for the applicant utilities and
11 to return to the application of policy 9580.6 which was
12 in place prior to this abrupt change; and
13 BE IT FURTHER RESOLVED, That copies of this
14 resolution be sent to Mr. Craig Fugate, Federal
15 Emergency Management Agency Administrator; Ms. Beth
16 Freeman, Director, Federal Emergency Management Agency
17 Region VII, and to the members of Iowa's congressional
18 delegation.

LSB 5379YH (8) 85

-4-

rn/rj

4/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2001 - Introduced

HOUSE FILE 2001
BY ISENHART

A BILL FOR

1 An Act relating to eligible applicants for local watershed
2 improvement grants.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5232HH (5) 85
tm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2001

1 Section 1. Section 466A.4, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. Public water supply utilities, counties, county
4 conservation boards, ~~and cities,~~ and watershed management
5 authorities may also be eligible and apply for and receive
6 local watershed improvement grants for water quality
7 improvement projects. An applicant shall coordinate with a
8 local watershed improvement committee or a soil and water
9 conservation district and shall include in the application a
10 description of existing projects and any potential impact the
11 proposed project may have on existing or planned water quality
12 improvement projects.

13 Sec. 2. Section 466B.23, Code 2014, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 8. Apply for local watershed improvement
16 grants.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to eligible applicants for local watershed
21 improvement grants.

22 The bill adds watershed management authorities to the list
23 of entities eligible to apply for and receive local watershed
24 improvement grants. Watershed management authorities are
25 created by two or more political subdivisions through a Code
26 chapter 28E agreement, and the political subdivisions must be
27 located in the same United States geological survey hydrologic
28 unit code 8 watershed.

LSB 5232HH (5) 85
tm/sc

-1-

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2002 - Introduced

HOUSE FILE 2002
BY KAUFMANN

A BILL FOR

1 An Act relating to modification of a custody order based on the
2 relocation of a parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5124YH (3) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2002

1 Section 1. Section 598.21D, Code 2014, is amended to read
2 as follows:

3 **598.21D Relocation of parent as grounds to modify order of**
4 **child custody — level of care consideration in modifying.**

5 1. If a parent awarded joint legal custody and physical
6 care or sole legal custody is relocating the residence of the
7 minor child to a location which is one hundred fifty miles or
8 more from the residence of the minor child at the time that
9 custody was awarded, the court may consider the relocation a
10 substantial change in circumstances.

11 2. If the court determines that the relocation is a
12 substantial change in circumstances, in determining the best
13 interest of the child, the court may modify an existing order
14 that awarded joint legal custody and physical care to the
15 relocating parent and instead award joint legal custody and
16 physical care to the nonrelocating parent, if the court finds
17 that, in regard to the level of care provided by each parent,
18 the level of care provided by the nonrelocating parent is equal
19 to the level of care provided by the relocating parent. If
20 the court modifies the order and awards joint legal custody
21 and physical care to the nonrelocating parent, the court shall
22 modify the custody order to, at a minimum, preserve, as nearly
23 as possible, the existing relationship between the minor child
24 and the relocating parent. If modified, the order may include
25 a provision for extended visitation during summer vacations
26 and school breaks and scheduled telephone contact between
27 the relocating parent and the minor child. The modification
28 may include a provision assigning the responsibility for
29 transportation of the minor child for visitation purposes to
30 either or both parents.

31 3. If the court determines that the relocation is a
32 substantial change in circumstances, and the court modifies the
33 custody order retaining the provisions of the order awarding
34 joint legal custody and physical care or sole legal custody to
35 the relocating parent, the court shall modify the custody order

LSB 5124YH (3) 85
pf/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2002

1 to, at a minimum, preserve, as nearly as possible, the existing
2 relationship between the minor child and the nonrelocating
3 parent. If modified, the order may include a provision for
4 extended visitation during summer vacations and school breaks
5 and scheduled telephone contact between the nonrelocating
6 parent and the minor child. The modification may include a
7 provision assigning the responsibility for transportation of
8 the minor child for visitation purposes to either or both
9 parents.

10 4. If the court makes a finding of past interference by
11 the a parent ~~awarded joint legal custody and physical care~~
12 ~~or sole legal custody~~ with the minor child's access to the
13 other parent, the court may order the posting of a cash bond to
14 assure future compliance with the visitation provisions of the
15 decree. The supreme court shall prescribe guidelines for the
16 forfeiting of the bond and restoration of the bond following
17 forfeiting of the bond.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill amends provisions relating to relocation of a
22 parent as grounds for modification of a child custody order.
23 Current law provides that if a parent who has been awarded
24 joint legal custody and physical care or sole legal custody is
25 relocating the residence of the minor child to a location which
26 is 150 miles or more from the residence of the minor child
27 at the time that custody was awarded, the court may consider
28 the relocation a substantial change in circumstances. The
29 bill provides that if the court determines that the relocation
30 is a substantial change in circumstances, in determining the
31 best interest of the child, the court may modify the existing
32 order that awarded joint legal custody and physical care to
33 the relocating parent and instead award joint legal custody
34 and physical care to the nonrelocating parent, if the court
35 finds that, in regard to the level of care provided by each

LSB 5124YH (3) 85
pf/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2002

1 parent, the care provided by the nonrelocating parent is equal
2 to the level of care provided by the relocating parent. If the
3 court does modify the order and awards joint legal custody and
4 physical care to the nonrelocating parent, the court is also to
5 modify the custody order to preserve, as nearly as possible,
6 the existing relationship between the minor child and the
7 relocating parent. Additionally, if the order is modified, the
8 order may include a provision for extended visitation during
9 summer vacations and school breaks and scheduled telephone
10 contact between the relocating parent and the minor child.
11 The modification may also include a provision assigning the
12 responsibility for transportation of the minor child for
13 visitation purposes to either or both parents.

14 Current law is retained regarding modification of the
15 order in a manner that retains the award of custody with the
16 relocating parent and the provisions relating to preserving the
17 existing relationship with the nonrelocating parent, extended
18 vacations and school breaks, telephone contact, and provision
19 for transportation of the minor child for visitation purposes
20 to either or both parents.

21 The bill amends the provision relating to posting of a cash
22 bond based on past interference by the relocating parent to
23 apply to both parents.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2003 - Introduced

HOUSE FILE 2003
BY ANDERSON

A BILL FOR

1 An Act relating to crime victims, including restitution plan
2 hearings, crime victim compensation, and the identity theft
3 passport program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5423HH (3) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 Section 1. Section 715A.9A, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:

3 a. Is a victim of identity theft in this state as described
4 in section 715A.8 or is a resident of this state who is a victim
5 of identity theft.

6 Sec. 2. Section 910.7, subsections 2 and 3, Code 2014, are
7 amended to read as follows:

8 2. After a petition has been filed, the court, at any time
9 prior to the expiration of the offender's sentence, provided
10 the required notice has been given pursuant to subsection
11 3, may hold a hearing and modify the plan of restitution or
12 the restitution plan of payment, or both, and may extend
13 the period of time for the completion of restitution. If a
14 hearing involving the crime victim compensation program is
15 conducted, an employee of the crime victim compensation program
16 or the attorney for the crime victim compensation program may
17 participate by telephone.

18 3. If a petition related to a plan of restitution has
19 been filed, the offender, the county attorney, the department
20 of corrections if the offender is currently confined in a
21 correctional institution, the office or individual who prepared
22 the offender's restitution plan, other witnesses, and the
23 victim shall receive notice prior to any hearing under this
24 section.

25 Sec. 3. Section 915.80, subsection 2, Code 2014, is amended
26 to read as follows:

27 2. a. "Crime" means any of the following:

28 (1) ~~conduct~~ Conduct that occurs or is attempted in this
29 state, poses a substantial threat of personal injury or death,
30 and is punishable as a felony or misdemeanor, or would be so
31 punishable but for the fact that the person engaging in the
32 conduct lacked the capacity to commit the crime under the laws
33 of this state.

34 (2) A violation of section 715A.8.

35 (3) The financial exploitation of a person who is sixty-five

LSB 5423HH (3) 85

-1-

rh/nh

1/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 years of age or older or is a dependent adult as defined
2 in section 235B.2. For the purposes of this subparagraph,
3 "financial exploitation" means the criminal act or process of
4 taking unfair advantage of a person for one's own personal or
5 pecuniary profit, without the informed consent of the person,
6 including theft, by the use of undue influence, harassment,
7 duress, deception, false representation, false pretenses,
8 forgery, fraudulent practices, or securities fraud.
9 b. "Crime" does not include conduct arising out of the
10 ownership, maintenance, or use of a motor vehicle, motorcycle,
11 motorized bicycle, train, boat, or aircraft except for
12 violations of section 321.261, 321.277, 321J.2, 462A.7,
13 462A.12, 462A.14, or 707.6A, or when the intention is to cause
14 personal injury or death.
15 c. A license revocation under section 321J.9, ~~or~~ 321J.12,
16 or 707.6A shall be considered by the department as evidence
17 of a violation of section 321J.2 for the purposes of this
18 subchapter. A license suspension or revocation under section
19 462A.14, 462A.14B, or 462A.23 shall be considered by the
20 department as evidence of a violation of section 462A.14 for
21 the purposes of this subchapter.
22 Sec. 4. Section 915.80, Code 2014, is amended by adding the
23 following new subsection:
24 NEW SUBSECTION. 4A. "Homicide victim survivor" means any
25 of the following:
26 a. A person who is one of the following relatives of a
27 homicide victim by means of blood relationship or affinity,
28 including by marriage or adoption:
29 (1) Spouse.
30 (2) Parent.
31 (3) Child.
32 (4) Sibling.
33 (5) Grandparent.
34 (6) Aunt.
35 (7) Uncle.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 (8) Niece.
2 (9) Nephew.
3 (10) Grandchild.
4 (11) First cousin.
5 (12) Great-grandparent.
6 (13) Great-aunt.
7 (14) Great-uncle.
8 (15) Great-niece.
9 (16) Great-nephew.
10 (17) Great-grandchild.
11 *b.* The spouse of a person identified in paragraph `a`.
12 *c.* A homicide victim's fiancée, legal custodian, legal ward,
13 legal guardian, foster child, foster parent, or foster sibling.
14 *d.* A former intimate partner of a homicide victim who has
15 legal guardianship of the homicide victim's child or children.
16 *e.* A person cohabiting with a homicide victim at the time
17 of the crime.
18 Sec. 5. Section 915.85, subsection 3, Code 2014, is amended
19 to read as follows:
20 3. To or for the benefit of one or more dependents of the
21 victim, in the case of death of the victim. ~~If two or more~~
22 ~~dependents are entitled to compensation, the compensation may~~
23 ~~be apportioned by the department as the department determines~~
24 ~~to be fair and equitable among the dependents.~~
25 Sec. 6. Section 915.86, subsections 3, 4, 8, 9, 10, 13, 14,
26 and 15, Code 2014, are amended to read as follows:
27 3. Loss of reasonable income from work that ~~the victim's~~
28 ~~parent or caretaker a secondary victim~~ would have performed and
29 for which ~~the victim's parent or caretaker a secondary victim~~
30 would have received remuneration ~~for up to three days after~~
31 ~~the crime or the discovery of the crime~~ to allow ~~the victim's~~
32 ~~parent or caretaker a secondary victim~~ to assist the victim
33 and when ~~the victim's parent or caretaker a secondary victim~~
34 accompanies the victim to medical ~~and~~ or counseling services,
35 not to exceed one thousand dollars per ~~parent or caretaker~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 secondary victim.

2 4. Loss of reasonable income from work that the victim, ~~the~~
3 ~~victim's parent or caretaker, or the survivor of a homicide~~
4 ~~victim as described in subsection 10~~ a secondary victim, or a
5 homicide victim survivor would have performed and for which
6 that person would have received remuneration, where the loss of
7 income is a direct result of cooperation with the investigation
8 and prosecution of the crime or attendance at medical or
9 counseling services, funerals, or criminal justice proceedings
10 including the trial and sentencing in the case, not to exceed
11 one thousand dollars per person.

12 8. In the event of a victim's death, reasonable charges
13 incurred for counseling ~~the victim's spouse, children, parents,~~
14 ~~siblings, or persons cohabiting with or related by blood or~~
15 ~~affinity to the victim~~ a homicide victim survivor if the
16 counseling services are provided by a psychologist licensed
17 under chapter 154B, a victim counselor as defined in section
18 915.20A, subsection 1, or an individual holding at least a
19 master's degree in social work or counseling ~~and guidance,~~
20 and reasonable charges incurred by such persons for medical
21 care counseling provided ~~by a~~ under the supervision of a
22 psychiatrist licensed under chapter 148. The allowable charges
23 under this subsection shall not exceed five thousand dollars
24 per person.

25 9. In the event of a homicide, reasonable charges incurred
26 for health care for ~~the victim's spouse, child, foster child,~~
27 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
28 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
29 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
30 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
31 ~~with the victim,~~ a homicide victim survivor, not to exceed
32 three thousand dollars per homicide victim survivor.

33 10. In the event of a homicide, loss of reasonable income
34 from work that, but for the death of the victim, would have
35 been earned by ~~the victim's spouse, child, foster child,~~

LSB 5423HH (3) 85

rh/nh

4/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
2 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
3 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
4 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
5 ~~with the victim~~ a homicide victim survivor, not to exceed six
6 thousand dollars per homicide victim survivor.

7 13. Reasonable dependent care expenses incurred by the
8 victim, ~~the victim's parent or caretaker, or the survivor of~~
9 ~~a homicide victim as described in subsection 10~~ a secondary
10 victim, or a homicide victim survivor for the care of
11 dependents while attending medical or counseling services,
12 funerals, or criminal justice proceedings ~~or medical or~~
13 ~~counseling services~~ including the trial and sentencing in the
14 case, not to exceed one thousand dollars per person.

15 14. Reasonable expenses incurred by a victim, ~~the victim's~~
16 ~~parent or caretaker, or the survivor of a homicide victim as~~
17 ~~described in subsection 10~~ a secondary victim, or a homicide
18 victim survivor to replace or install locks, windows, and other
19 residential security items at the victim's or homicide victim
20 survivor's residence or at the residential scene of a crime,
21 not to exceed five hundred dollars per residence.

22 15. Reasonable expenses incurred by the victim, a secondary
23 victim, ~~the parent or guardian of a victim, or the survivor of~~
24 ~~a homicide victim as described in subsection 10~~ or a homicide
25 victim survivor for transportation to medical, or counseling
26 services, funeral ~~funerals~~, or criminal justice proceedings
27 including the trial and sentencing in the case, not to exceed
28 one thousand dollars per person.

29 Sec. 7. Section 915.87, Code 2014, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 3. Compensation shall not be made to a
32 secondary victim or a homicide victim survivor if the victim is
33 ineligible for compensation related to the crime.

34 Sec. 8. Section 915.94, Code 2014, is amended to read as
35 follows:

LSB 5423HH (3) 85

rh/nh

5/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 **915.94 Victim compensation fund.**

2 1. A victim compensation fund is established as a separate
3 fund in the state treasury. Moneys deposited in the fund shall
4 be administered by the department and dedicated to and used
5 for the purposes of section 915.41 and this subchapter. In
6 addition, the department may use moneys from the fund for ~~the~~
7 ~~purpose of~~ the following:

8 a. ~~The~~ department's prosecutor-based victim service
9 coordination, including the duties defined in sections 910.3
10 and 910.6 and this chapter, ~~and for the.~~

11 b. To award ~~of~~ funds to programs that provide services and
12 support ~~to~~ for victims of domestic abuse or sexual assault as
13 provided in chapter 236, ~~to~~ for victims under section 710A.2,
14 and for homicide victim survivors. Up to twenty-five percent
15 of the moneys available in the fund on June 30 of any fiscal
16 year shall be used for purposes of this paragraph.

17 c. ~~and for the~~ For support of an automated victim
18 notification system established in section 915.10A.

19 d. To implement the identity theft passport program
20 established by rule pursuant to section 715A.9A.

21 2. The department may also use up to one hundred thousand
22 dollars from the fund to provide training for victim service
23 providers.

24 3. Notwithstanding section 8.33, any balance in the fund on
25 June 30 of any fiscal year shall not revert to the general fund
26 of the state.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to crime victims, including restitution
31 plan hearings, crime victim compensation, awards to programs
32 that serve crime victims, and the identity theft passport
33 program.

34 The bill allows for the issuance of an identity theft
35 passport to a person who is a resident of Iowa who is the

LSB 5423HH (3) 85
rh/nh

6/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2003

1 subject of identity theft outside of Iowa, in addition to
2 victims of identity theft in Iowa.

3 The bill provides that if a hearing involving the crime
4 victim compensation program is conducted, an employee of the
5 crime victim compensation program of the department of justice
6 or the program's attorney may participate in the hearing by
7 telephone. The bill includes witnesses in the list of persons
8 and entities who shall receive notice that a petition relating
9 to a plan of restitution has been filed.

10 The bill expands the definition of a "crime" for purposes of
11 the crime victim compensation program to include a violation
12 of Code section 715A.8 (identity theft) and the financial
13 exploitation of a person who is 65 or older or who is a
14 dependent adult as defined in Code section 235B.2. "Financial
15 exploitation" means the criminal act or process of taking
16 unfair advantage of a person for one's own personal or
17 pecuniary profit, without the informed consent of the person,
18 including theft, by the use of undue influence, harassment,
19 duress, deception, false representation, false pretenses,
20 forgery, fraudulent practices, or securities fraud.

21 The bill distinguishes two categories of persons who are
22 eligible for compensation for economic losses incurred as a
23 direct result of an injury to or death of a victim: a "homicide
24 victim survivor" (defined in the bill) and a "secondary victim"
25 (defined in Code section 915.80).

26 The bill eliminates the discretion in current law allowing
27 the department of justice to apportion compensation to two or
28 more dependents entitled to victim compensation in the event of
29 the death of a victim.

30 The bill specifies that a loss of income due to missed work
31 days for various categories of persons who may be awarded crime
32 victim compensation shall be computed based upon the loss of
33 reasonable income. The bill specifies that victim compensation
34 may be awarded to a homicide victim survivor for counseling
35 services. The bill includes an award of compensation for such

LSB 5423HH (3) 85

-7-

rh/nh

7/8



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014**

H.F. 2003

1 income for missed work days that the victim, secondary victim,
2 or a homicide victim survivor would have performed where the
3 loss of income is due to attendance at medical or counseling
4 services or funerals, in addition to current law which allows
5 compensation in such cases for attendance at criminal justice
6 proceedings. The bill also includes an award of compensation
7 for reasonable dependent care expenses incurred by a victim,
8 secondary victim, or a homicide survivor due to attendance at
9 funerals.

10 The bill provides that compensation shall not be made to a
11 secondary victim or a homicide victim survivor if the victim
12 is ineligible for compensation.

13 The bill provides that moneys from the victim compensation
14 fund that fund programs that provide services and support
15 for victims of domestic abuse or sexual assault and victims
16 of human trafficking may also be used for homicide victim
17 survivors. Up to 25 percent of the moneys available in the
18 fund on June 30 of any fiscal year shall be used for these
19 purposes.

20 The bill allows moneys from the victim compensation fund
21 to be used to implement the identity theft passport program
22 established by rule pursuant to Code section 715A.9A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2004 - Introduced

HOUSE FILE 2004
BY RUFF

A BILL FOR

1 An Act relating to the use of youth spring wild turkey hunting
2 licenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5048YH (4) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2004

1 Section 1. Section 483A.7, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A person who is issued a youth spring
4 wild turkey hunting license and does not take a wild turkey
5 during the youth spring wild turkey hunting season may use
6 the wild turkey hunting license and unused tag during any
7 other wild turkey hunting season that is established by the
8 commission.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill provides that a person who is issued a youth spring
13 wild turkey hunting license and does not take a wild turkey
14 during the youth spring wild turkey hunting season may use the
15 license and unused tag during any other wild turkey hunting
16 season that is established by the natural resource commission.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2005 - Introduced

HOUSE FILE 2005
BY MURPHY

A BILL FOR

1 An Act relating to the underage consumption of alcohol and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5065YH (3) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2005

1 Section 1. Section 123.47, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. A person or persons under legal age shall not purchase or
4 attempt to purchase, consume, or individually or jointly have
5 alcoholic liquor, wine, or beer in their possession or control;
6 except in the case of liquor, wine, or beer given or dispensed
7 to a person under legal age within a private home and with the
8 knowledge, presence, and consent of the parent or guardian, for
9 beverage or medicinal purposes or as administered to the person
10 by either a physician or dentist for medicinal purposes and
11 except to the extent that a person under legal age may handle
12 alcoholic beverages, wine, and beer during the regular course
13 of the person's employment by a liquor control licensee, or
14 wine or beer permittee under this chapter.

15 Sec. 2. Section 123.47, subsection 3, paragraph a,
16 unnumbered paragraph 1, Code 2014, is amended to read as
17 follows:

18 A person who is eighteen, nineteen, or twenty years of
19 age, other than a licensee or permittee, who violates this
20 section regarding the purchase of, ~~or~~ attempt to purchase, or
21 consumption of alcoholic liquor, wine, or beer, or possessing
22 or having control of alcoholic liquor, wine, or beer, commits
23 the following:

24 Sec. 3. Section 123.47B, Code 2014, is amended to read as
25 follows:

26 **123.47B Parental and school notification — persons under**
27 **eighteen years of age.**

28 1. A peace officer shall make a reasonable effort to
29 identify a person under the age of eighteen discovered to be
30 consuming or in possession of alcoholic liquor, wine, or beer
31 in violation of section 123.47 and refer the person to juvenile
32 court.

33 2. The juvenile court officer shall notify the person's
34 custodial parent, legal guardian, or custodian of the
35 violation. In addition, the juvenile court shall also make

LSB 5065YH (3) 85

-1-

rh/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2005

1 a reasonable effort to identify the elementary or secondary
2 school which the person attends if the person is enrolled in
3 elementary or secondary school and to notify the superintendent
4 or the superintendent's designee of the school which the person
5 attends, or the authorities in charge of the nonpublic school
6 which the person attends, of the consumption or possession. A
7 reasonable attempt to notify the person includes but is not
8 limited to a telephone call or notice by first-class mail.

9 Sec. 4. Section 232.52, subsection 2, paragraph a,
10 subparagraph (4), subparagraph division (a), subparagraph
11 subdivision (vi), Code 2014, is amended to read as follows:
12 (vi) Two or more violations of section 123.47 regarding the
13 consumption or possession of alcoholic beverages.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the underage consumption of alcohol and
18 makes penalties applicable.

19 The bill amends Code section 123.47 to prohibit a person
20 under legal age (under 21) in Iowa from consuming alcoholic
21 liquor, wine, or beer, subject to certain exceptions (if
22 consumed in a private home with the knowledge, presence, and
23 consent of the underage person's parent or guardian, for
24 beverage or medicinal purposes or if administered to the person
25 by either a physician or dentist for medicinal purposes, and
26 to the extent that an underage person may handle alcoholic
27 beverages, wine, and beer during the regular course of the
28 person's employment by a liquor control licensee, or wine or
29 beer permittee under Code chapter 123).

30 An underage person in violation of the bill who is age 18,
31 19, or 20 commits a simple misdemeanor and is subject to a
32 scheduled fine of \$200 (Code section 805.8C(7)), a criminal
33 penalty fine, community service, a substance abuse evaluation,
34 and suspension of the person's motor vehicle operating
35 privileges for up to one year depending on whether the offense

LSB 5065YH (3) 85

-2-

rh/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2005

1 is a first, second, or third or subsequent offense.

2 An underage person in violation of the bill who is under
3 the age of 18 is subject to the jurisdiction of the juvenile
4 court and may be subject to the suspension or revocation of the
5 person's driver's license or operating privilege for one year
6 if the person has had two or more violations of Code section
7 123.47 regarding the consumption of alcoholic beverages.

8 In addition, the bill requires a peace officer to make a
9 reasonable attempt to notify such person's custodial parent or
10 legal guardian and, if applicable, school officials, about the
11 person's consumption of alcoholic beverages.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2006 - Introduced

HOUSE FILE 2006
BY HESS

A BILL FOR

1 An Act extending the period of existence of the beginning
2 farmer tax credit program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5548YH (2) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2006

1 Section 1. 2013 Iowa Acts, chapter 125, section 28,
2 subsection 1, is amended to read as follows:
3 1. Except as provided in subsection 2, this division of this
4 Act takes effect December 31, ~~2017~~ 2023.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 BEGINNING FARMER TAX CREDIT PROGRAM EXTENDED. This bill
9 extends the period of existence of the beginning farmer tax
10 credit program (program) and dollar amount limits on tax credit
11 certificates issued under the program from December 31, 2017,
12 to December 31, 2023, as codified in Code sections 175.36A
13 through 175.39.

14 BACKGROUND — HISTORY. Code chapter 175 provides a number of
15 programs to assist beginning farmers. Generally, a beginning
16 farmer is an individual, partnership, family farm corporation,
17 or family farm limited liability company (see Code chapter 9H)
18 who has a low or moderate net worth and who is either engaged in
19 farming or intends to engage in farming (Code section 175.2).
20 In 2006, the general assembly enacted SF 2268 (2006 Iowa Acts,
21 chapter 1161) establishing an agricultural assets transfer tax
22 credit (Code section 175.37), administered by the agricultural
23 development authority, to assist beginning farmers to acquire
24 agricultural assets by lease or rental arrangements. In 2009,
25 the general assembly enacted SF 483 (2009 Iowa Acts, chapter
26 135), which allowed the authority to issue up to \$6 million in
27 tax credit certificates each year to support the tax credit.

28 CURRENT PROGRAM. In 2013, the general assembly enacted
29 HF 599 (2013 Iowa Acts, chapter 125), creating the beginning
30 farmer tax credit program and HF 607 (2013 Iowa Acts,
31 chapter 100) transferring administration of the program
32 to the Iowa finance authority (authority). A taxpayer who
33 holds agricultural assets (agricultural land, depreciable
34 agricultural property, crops, or livestock), and who helps
35 a beginning farmer acquire agricultural assets by a form of

LSB 5548YH (2) 85

-1-

da/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2006

1 specified legal arrangement including a lease or custom farming
2 contract is entitled to claim a tax credit against individual
3 or corporate tax liability. House File 599 also allows the
4 authority to issue up to \$12 million in certificates for both
5 tax credits each year. The program and the dollar amount
6 limits on tax credit certificates issued under the program
7 applied retroactively to tax years beginning on or after
8 January 1, 2013, and is to expire on December 31, 2017. The
9 Code editor is directed to restore the agricultural assets
10 transfer tax credit and the ceiling amount as they existed
11 immediately prior to the enactment of HF 599.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2007 - Introduced

HOUSE FILE 2007
BY HESS

A BILL FOR

1 An Act relating to products included as household hazardous
2 materials.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5495YH (2) 85
tm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2007

1 Section 1. Section 455F.1, subsection 4, Code 2014, is
2 amended to read as follows:
3 4. "*Household hazardous material*" means a product used for
4 residential purposes and designated by rule of the department
5 of natural resources and may include any hazardous substance as
6 defined in section 455B.411, subsection 2; and any hazardous
7 waste as defined in section 455B.411, subsection 3; and shall
8 include but is not limited to the following materials: motor
9 oils, motor oil filters, gasoline and diesel additives,
10 degreasers, waxes, polishes, pure solvents, lacquers, thinners,
11 caustic household cleaners, spot and stain remover with
12 petroleum base, petroleum-based fertilizers, and paints with
13 the exception of latex-based paints. However, "*household*
14 *hazardous material*" does not include noncaustic household
15 cleaners, laundry detergents or soaps, dishwashing compounds,
16 chlorine bleach, personal care products, personal care soaps,
17 cosmetics, and furniture polish, or medications.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to products included as household
22 hazardous materials.

23 The bill excludes from the definition of household hazardous
24 material noncaustic furniture polish.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House File 2008 - Introduced

HOUSE FILE 2008
BY HESS

A BILL FOR

1 An Act relating to child support licensing sanctions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5149YH (3) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2008

1 Section 1. Section 252J.2, subsection 2, paragraph a, Code
2 2014, is amended to read as follows:

3 a. An obligor is subject to the provisions of this chapter
4 if the obligor's support obligation is being enforced by the
5 unit, if the support payments required by a support order to
6 be paid to the clerk of the district court or the collection
7 services center pursuant to section 598.22 are not paid and
8 become delinquent in an amount equal to the support payment
9 for ~~three~~ two months, and if the obligor's situation meets
10 other criteria specified under rules adopted by the department
11 pursuant to chapter 17A. The criteria specified by rule shall
12 include consideration of the length of time since the obligor's
13 last support payment and the total amount of support owed by
14 the obligor.

15 Sec. 2. Section 252J.4, subsection 4, paragraph b, Code
16 2014, is amended to read as follows:

17 b. The unit finds a mistake in determining that the amount
18 of delinquent support is equal to or greater than ~~three~~ two
19 months.

20 Sec. 3. Section 252J.6, subsection 3, paragraph c, Code
21 2014, is amended to read as follows:

22 c. The unit or the court finds a mistake in determining that
23 the amount of delinquent support due is equal to or greater
24 than ~~three~~ two months.

25 Sec. 4. NEW SECTION. 252J.10 **Repeated noncompliance with**
26 **support obligation — automatic issuance of certificate of**
27 **noncompliance.**

28 1. Notwithstanding any provision of this chapter to
29 the contrary, if an obligor is subject to this chapter as
30 established in section 252J.2, subsection 2, paragraph "a", and
31 the delinquency in payment of the obligor's support obligation
32 constitutes the third instance in a consecutive five-year
33 period that the obligor would be subject to potential sanction
34 of a license pursuant to section 252J.3, all of the following
35 shall apply:

LSB 5149YH (3) 85
pf/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2008

1 a. (1) In lieu of issuance of the notice under section
2 252J.3, the unit shall issue a notice to the obligor that the
3 unit is automatically issuing a certificate of noncompliance to
4 any appropriate licensing authority identified in the notice
5 for suspension, revocation, or denial of the issuance or
6 renewal of any appropriate license.

7 (2) The notice shall inform the obligor that the provisions
8 of this chapter to the contrary do not apply, that the actions
9 initiated by the unit under this subsection shall not be
10 subject to contested case proceedings or further review
11 pursuant to chapter 17A, that notwithstanding section 17A.18,
12 the obligor does not have a right to a hearing before the
13 licensing authority to contest the authority's actions under
14 this section, but that the obligor may request a court hearing
15 as provided in this section and any such court hearing shall be
16 an original hearing before the district court.

17 (3) Following issuance of the notice to the obligor under
18 this paragraph "a", the unit shall issue the certificate
19 of noncompliance to the appropriate licensing authority
20 and the licensing authority shall automatically suspend,
21 revoke, or deny issuance or renewal of the respective license
22 notwithstanding any rules and procedures for suspension,
23 revocation, or denial of the issuance or renewal of a license
24 to the contrary.

25 b. If the obligor decides to request a court hearing, all
26 of the following shall apply:

27 (1) The obligor may seek review of the issuance of
28 the certificate of noncompliance and the license sanction
29 implemented by the licensing authority and request a hearing
30 before the district court in the county in which the underlying
31 support order is filed, by filing an application with the
32 district court and sending a copy of the application to the
33 unit by regular mail.

34 (2) An application shall be filed no later than within
35 thirty days after the issuance of the notice by the unit

LSB 5149YH (3) 85
pf/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2008

1 pursuant to paragraph "a". The clerk of the district court
2 shall schedule a hearing and mail a copy of the order
3 scheduling the hearing to the obligor and the unit and shall
4 also mail a copy of the order to the licensing authority, if
5 applicable. The unit shall certify a copy of the certificate
6 of noncompliance, indicating the date of issuance, prior to the
7 hearing.

8 (3) The filing of an application pursuant to this paragraph
9 "b" shall not stay the actions of a licensing authority
10 under this section. The hearing on the application shall be
11 scheduled and held within thirty days of the filing of the
12 application.

13 (4) The scope of review by the district court shall be
14 limited to demonstration of a mistake of fact relating to the
15 delinquency of the obligor. Issues related to visitation,
16 custody, or other provisions not related to the support
17 provisions of a support order are not grounds for a hearing
18 under this section.

19 (5) A support order shall not be modified by the court in
20 a hearing under this chapter.

21 (6) If the court finds that the unit was in error in
22 issuing a certificate of noncompliance, the unit shall issue
23 a withdrawal of the certificate of noncompliance to the
24 appropriate licensing authority.

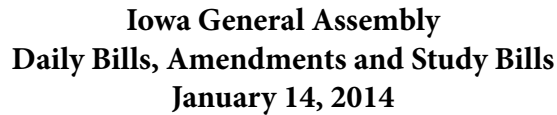
25 c. If an obligor is subject to suspension or revocation of
26 a license or is denied the issuance or renewal of a license as
27 the result of the issuance of a certificate of noncompliance
28 under this subsection, the unit may issue a withdrawal of the
29 certificate of noncompliance to the appropriate licensing
30 authority only upon payment by the obligor of the total amount
31 of delinquent support owed.

32 2. a. If an obligor subject to license sanction under
33 subsection 1, for which the court does not find the unit to be
34 in error under subsection 1, paragraph "b", subsequently fails
35 to comply with a support order and becomes delinquent in an

LSB 5149YH (3) 85
pf/nh

-3-

3/5



1 amount equal to the support payment for two months, in lieu
2 of issuance of a notice under section 252J.3 or subsection 1
3 of this section, the unit shall issue a notice to the obligor
4 that the unit is automatically issuing a certificate of
5 noncompliance to any appropriate licensing authority identified
6 in the notice for revocation or denial of the issuance or
7 renewal of any appropriate license.

17 EXPLANATION

27 The bill also provides that if an obligor is subject to
28 license sanctions for a third time in a consecutive five-year
29 period, in lieu of the existing procedure for license sanctions
30 which includes the opportunity to schedule a conference with
31 the child support recovery unit (unit) and to enter a written
32 agreement for payment, the unit will instead send a notice to
33 the obligor that the obligor is subject to license sanctions,
34 and that the only opportunity to challenge the unit's actions
35 is by requesting a district court hearing. The actions of

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. 2008

1 the licensing authority are not stayed upon filing of the
2 application for a hearing. The scope of review by the district
3 court is limited to demonstration of a mistake of fact relating
4 to the delinquency of the obligor. If the court finds that the
5 unit was in error, the unit is required to issue a withdrawal
6 of a certificate of noncompliance to the appropriate licensing
7 authority. If the obligor is subject to revocation or
8 suspension of a license or is denied the issuance or renewal of
9 a license, the unit may issue a withdrawal of the certificate
10 of noncompliance to the appropriate licensing authority only
11 upon payment by the obligor of the total amount of delinquent
12 support owed.

13 The bill also provides that subsequent to a license sanction
14 that is based on the obligor being subject to a third license
15 sanction in a consecutive five-year period, if an obligor
16 fails to comply with a support order and becomes delinquent
17 in an amount equal to the support payment for two months,
18 the unit shall issue a notice to the obligor that the unit
19 is automatically issuing a certificate of noncompliance to
20 any appropriate licensing authority identified in the notice
21 for revocation or denial of the issuance or renewal of any
22 appropriate license. The notice is to inform the obligor that
23 no opportunity, including the opportunity for judicial review,
24 exists to challenge the actions initiated by the unit.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

House Study Bill 500 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the definition of a sexually violent
2 predator for purposes of civil commitment procedures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5382YC (3) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. _____

1 Section 1. Section 229A.2, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Convicted*" means found guilty of,
4 pleads guilty to, or is sentenced or adjudicated delinquent
5 for an act which is an indictable offense in this state or in
6 another jurisdiction including in a federal, military, tribal,
7 or foreign court, including but not limited to a juvenile who
8 has been adjudicated delinquent, but whose juvenile court
9 records have been sealed under section 232.150, and a person
10 who has received a deferred sentence or a deferred judgment
11 or has been acquitted by reason of insanity. "*Conviction*"
12 includes the conviction of a juvenile prosecuted as an adult.
13 "*Convicted*" also includes a conviction for an attempt or
14 conspiracy to commit an offense. "*Convicted*" does not mean a
15 plea, sentence, adjudication, deferred sentence, or deferred
16 judgment which has been reversed or otherwise set aside.

17 Sec. 2. Section 232.55, subsection 2, paragraph a, Code
18 2014, is amended to read as follows:

19 a. Adjudication and disposition proceedings under this
20 division are not admissible as evidence against a person in a
21 subsequent proceeding in any other court before or after the
22 person reaches majority except in a proceeding pursuant to
23 chapter 229A or in a sentencing proceeding after conviction
24 of the person for an offense other than a simple or serious
25 misdemeanor.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the definition of a sexually violent
30 predator for purposes of civil commitment procedures.

31 For purposes of determining whether a person has previously
32 been convicted of a sexually violent offense for civil
33 commitment as a sexually violent predator, the bill defines
34 "convicted" to mean found guilty of, pleads guilty to, or is
35 sentenced or adjudicated delinquent for an act which is an

LSB 5382YC (3) 85

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

H.F. _____

1 indictable offense in this state or in another jurisdiction
2 including in a federal, military, tribal, or foreign
3 court, including but not limited to a juvenile who has been
4 adjudicated delinquent, but whose juvenile court records have
5 been sealed under Code section 232.150, and a person who has
6 received a deferred sentence or a deferred judgment or has been
7 acquitted by reason of insanity. "Conviction" includes the
8 conviction of a juvenile prosecuted as an adult. "Convicted"
9 also includes a conviction for an attempt or conspiracy to
10 commit an offense. "Convicted" does not mean a plea, sentence,
11 adjudication, deferred sentence, or deferred judgment which
12 has been reversed or otherwise set aside. Current law does
13 not define "conviction" in Code chapter 229A. The term
14 "conviction" generally does not include juvenile adjudications.
15 Code section 232.55 is amended to permit the use of juvenile
16 delinquency proceedings as evidence in the civil commitment
17 proceeding of a sexually violent predator under Code chapter
18 229A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate File 2013 - Introduced

SENATE FILE 2013
BY McCOY

A BILL FOR

1 An Act relating to land disposal of yard waste.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5231XS (4) 85
tm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2013

1 Section 1. Section 455D.9, subsection 1, Code 2014, is
2 amended to read as follows:
3 1. Land disposal of yard waste as defined by the department
4 is prohibited. ~~However, yard waste which has been separated at~~
5 ~~its source from other solid waste may be accepted by a sanitary~~
6 ~~landfill for the purposes of soil conditioning or composting.~~
7 A sanitary landfill may accept yard waste under any of the
8 following circumstances:
9 a. When the yard waste is separated at its source from other
10 solid waste and is accepted by the sanitary landfill for the
11 purposes of soil conditioning and composting.
12 b. When the yard waste is collected as a result of a severe
13 storm and the yard waste originates in an area declared to be a
14 disaster area in a declaration issued by the president of the
15 United States or the governor.
16 c. When the yard waste is collected as a result of the
17 removal of emerald ash borer infested trees.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to land disposal of yard waste.
22 Currently, land disposal of yard waste is prohibited except
23 yard waste may be accepted by a sanitary landfill for the
24 purposes of soil conditioning or composting.
25 The bill adds two additional circumstances under which yard
26 waste may be accepted for land disposal. The first is when
27 the yard waste is collected as a result of a severe storm and
28 the yard waste originates in an area declared to be a disaster
29 area in a declaration issued by the president of the United
30 States or the governor. The second circumstance is when the
31 yard waste is collected as a result of the removal of emerald
32 ash borer infested trees.

LSB 5231XS (4) 85

-1-

tm/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate File 2014 - Introduced

SENATE FILE 2014
BY SODDERS

(COMPANION TO LSB 5138HH BY
RIDING)

A BILL FOR

1 An Act relating to the possession of a pistol, revolver,
2 or ammunition by a person under the age of twenty-one in
3 certain circumstances and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5138SS (2) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2014

1 Section 1. Section 724.22, subsection 5, Code 2014, is
2 amended to read as follows:

3 5. A parent or guardian or spouse who is twenty-one years
4 of age or older, of a person ~~fourteen~~ twelve years of age but
5 less than twenty-one may allow the person to possess a pistol
6 or revolver or the ammunition therefor for any lawful purpose
7 while under the direct supervision of the parent or guardian
8 or spouse who is twenty-one years of age or older, or while the
9 person receives instruction in the proper use thereof from an
10 instructor twenty-one years of age or older, with the consent
11 of such parent, guardian, or spouse.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, a person 14 years of age but less than 21
16 years of age may possess a pistol or revolver or the ammunition
17 for the pistol or revolver for any lawful purpose while under
18 the direct supervision of the person's parent or guardian or
19 spouse who is 21 years of age or older, or while the person
20 receives instruction in the proper use of a pistol or revolver
21 from an instructor who is 21 or older with the consent of such
22 parent, guardian, or spouse. The bill lowers the age limit for
23 the person to possess a pistol or revolver or ammunition under
24 these circumstances to 12 years of age. Under Code section
25 724.22, subsection 2, a person who violates this provision
26 commits a serious misdemeanor for a first offense and a class
27 "D" felony for second and subsequent offenses.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate File 2015 - Introduced

SENATE FILE 2015
BY SODDERS and CHAPMAN

A BILL FOR

1 An Act relating to privileged communications between certain
2 peer support group counselors and officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5418XS (3) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2015

1 Section 1. **NEW SECTION. 80.7A Peer support group counselor.**
2 The commissioner may designate a peer support group
3 counselor as provided in section 622.10, subsection 9.
4 Sec. 2. Section 622.10, Code 2014, is amended by adding the
5 following new subsection:
6 **NEW SUBSECTION. 9. a.** A peer support group counselor
7 who obtains information from an officer by reason of the
8 counselor's capacity as a peer support group counselor
9 shall not be allowed, in giving testimony, to disclose any
10 confidential communication properly entrusted to the counselor
11 by the officer while receiving counseling.
12 **b.** The prohibition in this subsection does not apply where
13 the officer has consented to the disclosure of the information
14 specified in paragraph "a".
15 **c.** For purposes of this subsection:
16 (1) "Officer" means a peace officer, certified law
17 enforcement officer, fire fighter, emergency medical
18 technician, corrections officer, detention officer, jailer,
19 probation or parole officer, communications officer, or
20 any other law enforcement officer certified by the Iowa law
21 enforcement academy and employed by a municipality, county, or
22 state agency.
23 (2) "Peer support group counselor" means either of the
24 following:
25 (a) A law enforcement officer, fire fighter, civilian
26 employee of a law enforcement agency, or civilian employee of a
27 fire department, who has received training to provide emotional
28 and moral support and counseling to an officer who needs those
29 services as a result of an incident in which the officer was
30 involved while acting in the officer's official capacity.
31 (b) A nonemployee counselor who has been designated by the
32 commissioner of public safety to provide emotional and moral
33 support and counseling to an officer who is a peace officer as
34 defined in section 80.7A who needs those services as a result
35 of an incident in which the officer was involved while acting

LSB 5418XS (3) 85

-1-

rh/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2015

1 in the officer's official capacity.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to certain public safety peer support
6 group counselors and privileged communications between such
7 counselors and officers.

8 The bill provides that a peer support group counselor
9 who obtains information from an officer by reason of the
10 counselor's capacity as a peer support group counselor
11 shall not be allowed, in giving testimony, to disclose any
12 confidential communications properly entrusted to the counselor
13 by the officer while receiving counseling. The bill creates an
14 exception in cases where the officer has given the officer's
15 consent to the disclosure of such information.

16 The bill defines "officer" to mean a peace officer,
17 certified law enforcement officer, fire fighter, emergency
18 medical technician, corrections officer, detention officer,
19 jailer, probation or parole officer, communications officer,
20 or any other law enforcement officer certified by the Iowa law
21 enforcement academy and employed by a municipality, county, or
22 state agency.

23 The bill defines a "peer support group counselor" as a
24 law enforcement officer, fire fighter, civilian employee of
25 a law enforcement agency, or civilian employee of a fire
26 department, who has received training to provide emotional and
27 moral support and counseling to an officer who needs those
28 services as a result of an incident in which the officer
29 was involved while acting in the officer's official capacity
30 or a nonemployee counselor who has been designated by the
31 commissioner of public safety to provide such support and
32 counseling to a peace officer under the same circumstances.
33 The bill gives the commissioner the authority to designate a
34 peer support counselor.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate File 2016 - Introduced

SENATE FILE 2016
BY JOHNSON

A BILL FOR

1 An Act requiring schools to post annual reports on bullying and
2 harassment data online.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5451XS (3) 85
je/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2016

1 Section 1. Section 280.28, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 7A. *Annual report on internet site.* The
4 board of directors of a school district and the authorities
5 in charge of each nonpublic school shall annually post on the
6 school district's or school's internet site a report on the
7 data collected under subsection 6 for the previous school year
8 by December 15. The department shall specify a format for
9 the report, which shall include aggregate data on the types
10 of harassment or bullying, as defined by the department in
11 accordance with this section, that occurred, the incidence
12 of harassment or bullying of each type, and trend data for
13 the previous five years indicating whether the incidence
14 of each type has increased or decreased. The board and
15 the authorities shall approve the report for publication by
16 December 1. The board and the authorities shall make copies
17 of the report available to the public upon request. The
18 department shall annually provide the most recent annual report
19 by the department on statewide bullying and harassment data to
20 the board and the authorities in a format which can be posted
21 on the school district's or school's internet site, which shall
22 then be posted by the board and authorities.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill requires the board of directors of a school
27 district and the authorities in charge of each nonpublic school
28 to annually post on the school district's or school's internet
29 site a report on incidence data on harassment or bullying
30 collected pursuant to state law by December 15. The state
31 department of education is to specify a format for the report,
32 which must include aggregate data on the types of harassment or
33 bullying that occurred, the incidence of harassment or bullying
34 of each type, and trend data for the previous five years
35 indicating whether the incidence of each type has increased

LSB 5451XS (3) 85

-1-

je/nh

1/2



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014**

S.F. 2016

1 or decreased. The board and the authorities must approve the
2 report for publication by December 1 and must make copies of
3 the report available to the public upon request. The board
4 and the authorities must also annually post on the school
5 district's or school's internet site the most recent annual
6 report by the department on statewide bullying and harassment
7 data, which must be provided by the department.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate File 2017 - Introduced

SENATE FILE 2017
BY TAYLOR

A BILL FOR

1 An Act relating to the property tax exemption for property
2 designated to be a native prairie or wetland and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5537XS (3) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2017

1 Section 1. Section 427.1, subsection 23, paragraph a, Code
2 2014, is amended to read as follows:
3 a. Application for the exemption shall be made on forms
4 provided by the department of revenue. Land designated as
5 a protected wetland shall be assessed at a value equal to
6 the average value of the land where the wetland is located
7 and which is owned by the person granted the exemption. The
8 application forms shall be filed with the assessing authority
9 not later than the first of February of the year for which the
10 exemption is requested. The application must be accompanied by
11 an affidavit signed by the applicant that if the exemption is
12 granted, the property will not be used for economic gain during
13 the assessment year in which the exemption is granted. The
14 receipt of payments by the applicant under the federal wetlands
15 reserve program, 16 U.S.C. §3837, shall not be considered a use
16 for economic gain. If the property is used for economic gain
17 during the assessment year in which the exemption is granted,
18 the property shall lose its tax exemption and shall be taxed
19 at the rate levied by the county for the fiscal year beginning
20 in that assessment year. The first annual application shall
21 be accompanied by a certificate from the department of natural
22 resources stating that the land is native prairie or protected
23 wetland. The department of natural resources shall issue a
24 certificate for the native prairie exemption if the department
25 finds that the land has never been cultivated, is unimproved,
26 is primarily a mixture of warm season grasses interspersed with
27 flowering plants, and meets the other criteria established
28 by the natural resource commission for native prairie. The
29 department of natural resources shall issue a certificate for
30 the wetland exemption if the department finds the land is a
31 protected wetland, as defined under section 456B.1, or if
32 the wetland was previously drained and cropped but has been
33 restored under a nonpermanent restoration agreement with the
34 department or other county, state, or federal agency or private
35 conservation group. A taxpayer may seek judicial review of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. 2017

1 a decision of the department according to chapter 17A. The
2 natural resource commission shall adopt rules to implement this
3 subsection.

4 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.7 shall
5 not apply to this Act to the extent of any insufficient
6 reimbursement of lost tax revenue under section 427.1,
7 subsection 23, paragraph "b".

8 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to January 1, 2014, for assessment years
12 beginning on or after that date.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 Current Code section 427.1(23) provides a property tax
17 exemption for land designated as native prairie or land
18 designated as a protected wetland by the department of natural
19 resources if the property is not used for economic gain. This
20 bill specifies that the receipt of payments by the applicant
21 under the federal wetlands reserve program shall not be
22 considered a use for economic gain.

23 Code section 25B.7 provides that for a property tax credit
24 or exemption enacted on or after January 1, 1997, if a state
25 appropriation made to fund the credit or exemption is not
26 sufficient to fully fund the credit or exemption, the political
27 subdivision shall be required to extend to the taxpayer only
28 that portion of the credit or exemption estimated by the
29 department of revenue to be funded by the state appropriation.

30 Code section 25B.7 does not apply to the bill insofar as
31 state reimbursement for lost tax revenue is insufficient.

32 The bill takes effect upon enactment and applies
33 retroactively to January 1, 2014, for assessment years
34 beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3001 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to renewal process simplification for programs
2 under the purview of the department of human services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5099XC (4) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____

1 Section 1. DEPARTMENT OF HUMAN SERVICES PROGRAMS — RENEWAL
2 PROCESS SIMPLIFICATION. The department of human services shall
3 simplify the renewal process for programs under the purview of
4 the department by coordinating and aligning renewal processes
5 across multiple programs into a single, integrated renewal
6 process, synchronizing eligibility renewals across programs
7 for individuals who are participating in multiple programs,
8 and utilizing information collected for one program which is
9 duplicative of information required for other programs to
10 complete eligibility renewal for the other programs. The
11 department may consider expanding the online application
12 for state of Iowa services (OASIS) program to provide for
13 integrated, online renewals or utilize prepopulated renewal
14 forms or passive renewal processes to provide for renewal
15 process simplification.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill directs the department of human services (DHS) to
20 simplify the renewal process for programs under its purview by
21 coordinating and aligning renewal processes across multiple
22 programs into a single, integrated renewal, synchronizing
23 eligibility renewals across programs for individuals who are
24 participating in multiple programs, and utilizing information
25 collected for one program which is duplicative of information
26 required for other programs to complete eligibility renewal for
27 the other programs. The bill provides that DHS may consider
28 expanding the online application for state of Iowa services
29 (OASIS) program to provide for integrated online renewals or
30 utilize prepopulated renewal forms or passive renewal processes
31 to provide for renewal process simplification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3002 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act concerning the definition of off-road utility vehicle
2 for purposes of regulation by the department of natural
3 resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5295SC (3) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____

1 Section 1. Section 321I.1, subsection 17, paragraph a, Code
2 2014, is amended to read as follows:

3 a. *"Off-road utility vehicle"* means a motorized vehicle with
4 not less than four and not more than eight nonhighway tires or
5 rubberized tracks ~~that is limited in engine displacement to~~
6 ~~less than one thousand five hundred cubic centimeters and in~~
7 ~~total dry weight to not more than two thousand pounds and that~~
8 has a seat that is of bucket or bench design, not intended to
9 be straddled by the operator, and a steering wheel or control
10 levers for control. *"Off-road utility vehicle"* includes the
11 following vehicles:

12 (1) *"Off-road utility vehicle — type 1"* means an off-road
13 utility vehicle with a total dry weight of one thousand two
14 hundred pounds or less and a width of fifty inches or less.

15 (2) *"Off-road utility vehicle — type 2"* means an off-road
16 utility vehicle, other than a type 1 off-road utility vehicle,
17 with a total dry weight of two thousand pounds or less, and a
18 width of sixty-five inches or less.

19 (3) *"Off-road utility vehicle — type 3"* means an off-road
20 utility vehicle with a total dry weight of more than two
21 thousand pounds or a width of more than sixty-five inches, or
22 both.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill revises the definition of "off-road utility
27 vehicle" in Code chapter 321I, which provides for the
28 registration and regulation of all-terrain and off-road utility
29 vehicles by the department of natural resources and authorizes
30 and limits the use of those vehicles on designated riding
31 areas and trails. "Off-road utility vehicle" is defined as a
32 motorized vehicle with not less than four and not more than
33 eight nonhighway tires or rubberized tracks, a bucket or bench
34 seat, and a steering wheel or control levers. The current
35 definition of "off-road utility vehicle" includes vehicles with

LSB 5295SC (3) 85

-1-

dea/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____

1 an engine displacement of less than 1,500 cubic centimeters and
2 a total dry weight of less than 2,000 pounds. The bill strikes
3 the limitation on engine size and establishes three off-road
4 utility vehicle classifications based on weight and width as
5 follows:

6 "Off-road utility vehicle — type 1" includes vehicles with
7 a total dry weight of 1,200 pounds or less and a width of 50
8 inches or less.

9 "Off-road utility vehicle — type 2" includes vehicles,
10 other than type 1 vehicles, with a total dry weight of 2,000
11 pounds or less and a width of 65 inches or less.

12 "Off-road utility vehicle — type 3" includes vehicles with
13 a total dry weight of more than 2,000 pounds or a width of more
14 than 65 inches, or both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3003 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act providing for the issuance of a paddlefish fishing
2 license and tag and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5242DP (6) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 483A.1, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Of.* Paddlefish fishing license,
4 annual\$ 20.00
5 Sec. 2. Section 483A.1, subsection 2, Code 2014, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *Of.* Paddlefish fishing license,
8 annual\$ 40.00
9 Sec. 3. NEW SECTION. **483A.6A Paddlefish fishing license and**
10 **tag.**
11 1. A resident fishing for paddlefish on the Missouri or
12 Big Sioux river who is required to have a fishing license
13 must purchase a paddlefish fishing license, in addition to a
14 resident fishing license.
15 2. A nonresident fishing for paddlefish on the Missouri
16 or Big Sioux river is required to have a fishing license that
17 is valid in Iowa and, in addition, purchase a nonresident
18 paddlefish fishing license.
19 3. The commission shall establish the number of annual
20 paddlefish fishing licenses that may be issued pursuant to
21 section 481A.39 for use on the Missouri or Big Sioux river.
22 A paddlefish fishing license shall be accompanied by a tag
23 designed to be used only once. If a paddlefish is taken
24 pursuant to a paddlefish fishing license, the paddlefish shall
25 be tagged immediately and the tag shall be dated.
26 Sec. 4. Section 483A.24, subsection 6, Code 2014, is amended
27 to read as follows:
28 6. A resident or nonresident of the state under sixteen
29 years of age is not required to have a license to fish in the
30 waters of the state. However, residents and nonresidents under
31 sixteen years of age must pay the trout fishing fee to possess
32 trout or they must fish for trout with a licensed adult who has
33 paid the trout fishing fee and limit their combined catch to
34 the daily limit established by the commission. A resident or
35 nonresident of the state under sixteen years of age is required



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 to have a paddlefish fishing license to fish for paddlefish on
2 the Missouri or Big Sioux river.

3 Sec. 5. Section 805.8B, subsection 3, paragraph c, Code
4 2014, is amended to read as follows:

5 c. For violations of sections 481A.6, 481A.21, 481A.22,
6 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
7 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
8 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the
9 scheduled fine is twenty-five dollars.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill authorizes the natural resource commission to
14 issue paddlefish fishing licenses for use on the Missouri
15 and Big Sioux rivers pursuant to the commission's powers to
16 maintain biological balance pursuant to Code section 481A.39.
17 The license must be accompanied by a tag designed to be used
18 only once. If a paddlefish is taken pursuant to the license,
19 the paddlefish shall be tagged and the tag dated.

20 A resident fishing for paddlefish on the Missouri or Big
21 Sioux river who is required to have a fishing license must
22 have a resident fishing license and also purchase an annual
23 paddlefish fishing license that costs \$20.

24 A nonresident fishing for paddlefish on the Missouri or Big
25 Sioux river must have a fishing license that is valid in Iowa
26 and also purchase an annual paddlefish fishing license that
27 costs \$40.

28 A resident or nonresident of the state under 16 years of age
29 is not required to have a fishing license to fish in the waters
30 of the state but is required to have a paddlefish fishing
31 license to fish for paddlefish on the Missouri or Big Sioux
32 river.

33 A violation of the bill's requirements is punishable by a
34 scheduled fine of \$25. In addition, a person who illegally
35 takes a paddlefish must reimburse the state for the value of

LSB 5242DP (6) 85

-2-

av/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 the fish in the amount of \$1,000 per fish pursuant to Code
2 section 481A.130(1)(i)(3).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3004 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to certain conditional permits issued by the
2 department of natural resources relating to air and water
3 quality.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5167DP (4) 85
tm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 455B.105, subsection 11, paragraph a,
2 Code 2014, is amended to read as follows:
3 a. Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter and chapters 459,
5 459A, and 459B relating to permits, ~~conditional permits,~~ and
6 general permits. The commission may also adopt, by rule, a
7 schedule of fees for permit ~~and conditional permit~~ applications
8 and a schedule of fees which may be periodically assessed
9 for administration of permits ~~and conditional permits~~. In
10 determining the fee schedules, the commission shall consider:
11 (1) The state's reasonable cost of reviewing applications,
12 issuing permits ~~and conditional permits,~~ and checking
13 compliance with the terms of the permits.
14 (2) The relative benefits to the applicant and to the
15 public of permit ~~and conditional permit~~ review, issuance, and
16 monitoring compliance. It is the intention of the legislature
17 that permit fees shall not cover any costs connected with
18 correcting violation of the terms of any permit and shall not
19 impose unreasonable costs on any municipality.
20 (3) The typical costs of the particular types of projects
21 or activities for which permits ~~or conditional permits~~ are
22 required, provided that in no circumstances shall fees be in
23 excess of the actual costs to the department.
24 Sec. 2. Section 455B.133, subsection 6, paragraph a, Code
25 2014, is amended to read as follows:
26 a. Require, by rules, notice of the construction of any
27 air contaminant source which may cause or contribute to air
28 pollution, and the submission of plans and specifications to
29 the department, or other information deemed necessary, for the
30 installation of air contaminant sources and related control
31 equipment. ~~The rules shall allow the owner or operator of a~~
32 ~~major stationary source to elect to obtain a conditional permit~~
33 ~~in lieu of a construction permit.~~ The rules relating to a
34 ~~conditional permit for an electric power generating facility~~
35 ~~subject to chapter 476A and other major stationary sources~~

LSB 5167DP (4) 85

-1-

tm/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 shall allow the submission of engineering descriptions, flow
2 diagrams and schematics that quantitatively and qualitatively
3 identify emission streams and alternative control equipment
4 that will provide compliance with emission standards. Such
5 rules shall not specify any particular method to be used to
6 reduce undesirable levels of emissions, nor type, design, or
7 method of installation of any equipment to be used to reduce
8 such levels of emissions, nor the type, design, or method of
9 installation or type of construction of any manufacturing
10 processes or kinds of equipment, nor specify the kind or
11 composition of fuels permitted to be sold, stored, or used
12 unless authorized by subsection 4 of this section.

13 Sec. 3. Section 455B.134, subsection 3, unnumbered
14 paragraph 1, Code 2014, is amended to read as follows:

15 Grant, modify, suspend, terminate, revoke, reissue,
16 or deny permits for the construction or operation of new,
17 modified, or existing air contaminant sources and for related
18 control equipment, ~~and conditional permits for electric~~
19 ~~power generating facilities subject to chapter 476A and other~~
20 ~~major stationary sources,~~ subject to the rules adopted by the
21 commission. The department shall furnish necessary application
22 forms for such permits.

23 Sec. 4. Section 455B.134, subsection 3, paragraphs a, b, c,
24 and e, Code 2014, are amended to read as follows:

25 a. No air contaminant source shall be installed, altered
26 so that it significantly affects emissions, or placed in use
27 unless a construction ~~or conditional~~ permit has been issued for
28 the source.

29 b. The condition of expected performance shall be reasonably
30 detailed in the construction ~~or conditional~~ permit.

31 c. All applications for permits ~~other than conditional~~
32 ~~permits for electric generating facilities~~ shall be subject to
33 such notice and public participation as may be provided by rule
34 by the commission. Upon denial or limitation of a permit ~~other~~
35 ~~than a conditional permit for an electric generating facility,~~

LSB 5167DP (4) 85

-2-

tm/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 the applicant shall be notified of such denial and informed of
2 the reason or reasons therefor, and such applicant shall be
3 entitled to a hearing before the commission.

4 e. A regulated air contaminant source for which a
5 construction permit ~~or conditional permit~~ has been issued
6 shall not be operated unless an operating permit also has
7 been issued for the source. However, if the facility was in
8 compliance with permit conditions prior to the requirement for
9 an operating permit and has made timely application for an
10 operating permit, the facility may continue operation until
11 the operating permit is issued or denied. Operating permits
12 shall contain the requisite conditions and compliance schedules
13 to ensure conformance with state and federal requirements
14 including emission allowances for sulfur dioxide emissions
15 for sources subject to Tit. IV of the federal Clean Air Act
16 Amendments of 1990. If construction of a new air contaminant
17 source is proposed, the department may issue an operating
18 permit concurrently with the construction permit, if possible
19 and appropriate.

20 Sec. 5. Section 455B.134, subsection 3, paragraph d, Code
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 455B.147, subsection 2, Code 2014, is
23 amended by striking the subsection.

24 Sec. 7. Section 455B.173, subsection 3, paragraph a, Code
25 2014, is amended by striking the paragraph.

26 Sec. 8. Section 455B.174, subsection 4, paragraph d, Code
27 2014, is amended by striking the paragraph.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill eliminates the ability of the department of
32 natural resources to issue certain conditional permits
33 related to air and water quality to electric power generating
34 facilities.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3005 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED PUBLIC EMPLOYMENT
RELATIONS BOARD BILL)

A BILL FOR

1 An Act providing for the use of an electronic filing and notice
2 system by the public employment relations board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5178XD (7) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 20.24, Code 2014, is amended to read as
2 follows:

3 **20.24 Notice and service — electronic filing system.**

4 ~~Any~~ The board shall by rule establish an electronic filing
5 system for the filing or service of any notice or other
6 document required under the provisions of this chapter shall
7 be in writing, but service thereof shall be sufficient if
8 mailed by restricted certified mail, return receipt requested,
9 addressed to the last known address of the intended recipient,
10 unless or permitted by law to be filed with or served on or
11 filed or served by the board. Unless otherwise provided in
12 this chapter by law, the board may by rule require the filing
13 or service of such notice or other document through the system,
14 notwithstanding the provisions of chapter 17A concerning
15 service or filing by mail. Refusal of restricted certified
16 mail by any party shall be considered service. Any notice
17 or other document not required by rule to be filed or served
18 through the system shall be filed or served in accordance with
19 chapter 17A. Unless otherwise provided in this chapter by law,
20 prescribed time periods shall commence from the date of the
21 receipt of the notice filing or service through the system.
22 ~~Any party may at any time execute and deliver an acceptance of~~
23 ~~service in lieu of mailed notice.~~

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill requires the public employment relations board to
28 establish by rule an electronic filing system for the filing or
29 service of any notice or other document required or permitted
30 by law to be filed with or served on or filed or served by
31 the board. The bill permits the board to require by rule,
32 unless otherwise provided by law, the filing or service of such
33 notice or other document through the system, notwithstanding
34 the provisions of the Iowa administrative procedure Act, Code
35 chapter 17A, concerning service or filing by mail. The bill

LSB 5178XD (7) 85

-1-

je/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 specifies that any notice or other document not required by
2 rule to be filed or served through the system shall be filed or
3 served in accordance with Code chapter 17A. The bill provides
4 that prescribed time periods commence from the date of the
5 filing or service through the system, unless otherwise provided
6 by law. The bill strikes language in Code chapter 20, the
7 public employment relations Act, establishing service of notice
8 by mail as sufficient service of notice.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3006 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF NURSING
BILL)

A BILL FOR

1 An Act relating to the use of professional titles or
2 abbreviations by advanced registered nurse practitioners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5302DP (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 147.74, subsection 21, Code 2014, is
2 amended to read as follows:

3 21. A registered nurse licensed under chapter 152 may use
4 the words "registered nurse" or the letters "R.N." after the
5 person's name. A licensed practical nurse licensed under
6 chapter 152 may use the words "licensed practical nurse" or
7 the letters "L.P.N." after the person's name. An advanced
8 registered nurse practitioner licensed under chapter 152 or
9 152E may use the words "advanced registered nurse practitioner"
10 or the letters "A.R.N.P." after the person's name.

11 Sec. 2. Section 152.6, Code 2014, is amended to read as
12 follows:

13 **152.6 Licenses — professional abbreviations.**

14 The board may license a natural person to practice as a
15 registered nurse or as a licensed practical nurse. However,
16 only a person currently licensed as a registered nurse in this
17 state may use that title and the ~~abbreviation "RN"~~ letters
18 "R.N." after the person's name; ~~and~~ only a person currently
19 licensed as a licensed practical nurse in this state may use
20 that title and the ~~abbreviation "LPN"~~ letters "L.P.N." after
21 the person's name; and only a person currently licensed as an
22 advanced registered nurse practitioner may use that title and
23 the letters "A.R.N.P." after the person's name. For purposes
24 of this section, "currently licensed" includes persons licensed
25 in another state and recognized for licensure in this state
26 pursuant to the nurse licensure compact contained in section
27 152E.1 or pursuant to the advanced practice registered nurse
28 compact contained in section 152E.3.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill authorizes the use of the professional title
33 and the abbreviation "A.R.N.P." by advanced registered nurse
34 practitioners.

LSB 5302DP (3) 85
ad/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3007 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PHARMACY
BILL)

A BILL FOR

1 An Act relating to exchanging information contained in the Iowa
2 information program for drug prescribing and dispensing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5270DP (3) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 124.553, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. d. A prescription database or monitoring
4 program in another jurisdiction pursuant to subsection 8.
5 Sec. 2. Section 124.553, Code 2014, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 8. The board may enter into an agreement
8 with a prescription database or monitoring program operated
9 in a state bordering this state or in the state of Kansas for
10 the mutual exchange of information. Any agreement entered
11 into pursuant to this subsection shall specify that all the
12 information exchanged pursuant to the agreement shall be used
13 and disseminated in accordance with the laws of this state.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to exchanging information contained in the
18 Iowa information program for drug prescribing and dispensing
19 (Iowa prescription monitoring program).

20 The bill permits the board of pharmacy to enter into an
21 agreement with a prescription database or monitoring program
22 operated in a state bordering this state or in the state of
23 Kansas for the mutual exchange of information. Any agreement
24 entered into pursuant to the bill shall specify that all
25 the information exchanged shall be used and disseminated in
26 accordance with the laws of this state.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3008 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PHARMACY
BILL)

A BILL FOR

1 An Act making changes to the controlled substance schedules,
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5285DP (6) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 124.204, subsection 4, Code 2014, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *aj.* 3,4-Methylenedioxy-N-methylcathinone
4 (methyline).
5 NEW PARAGRAPH. *ak.* 5-methoxy-N,N-dimethyltryptamine.
6 Some trade or other names:
7 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.
8 Sec. 2. Section 124.204, Code 2014, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. 9. *Other substances.* Any material,
11 compound, mixture, or preparation which contains any quantity
12 of the following substances or their optical, positional, and
13 geometric isomers, salts, and salts of isomers:
14 *a.* (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)
15 methanone. Other names: UR-144,
16 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole.
17 *b.* [1-(5-fluoro-pentyl)-1H-indol-3-yl]
18 (2,2,3,3-tetramethylcyclopropyl)
19 methanone. Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11,
20 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole.
21 *c.* N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide.
22 Other names: APINACA, AKB48.
23 *d.* 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.
24 Other names: 25I-NBOMe, 2C-I-NBOMe, 25I, Cimbi-5.
25 *e.* 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.
26 Other names: 25C-NBOMe, 2C-C-NBOMe, 25C, Cimbi-82.
27 *f.* 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.
28 Other names: 25B-NBOMe, 2C-B-NBOMe, 25B, Cimbi-36.
29 Sec. 3. Section 124.208, subsection 3, Code 2014, is amended
30 by adding the following new paragraph:
31 NEW PARAGRAPH. *o.* Perampanel, its salts, isomers, and salts
32 of isomers.
33 Sec. 4. Section 124.208, subsection 6, Code 2014, is amended
34 by adding the following new paragraphs:
35 NEW PARAGRAPH. *bk.* Methasterone

LSB 5285DP (6) 85

-1-

jm/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one.

2 NEW PARAGRAPH. *b1.* Prostanazol

3 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole.

4 Sec. 5. Section 124.210, Code 2014, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 4A. *Lorcaserin.* Any material, compound,
7 mixture, or preparation which contains any quantity of
8 lorcaserin, including its salts, isomers, and salts of such
9 isomers, whenever the existence of such salts, isomers, and
10 salts of isomers is possible.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill makes changes to the controlled substance
15 schedules.

16 The bill classifies three synthetic cannabinoids, three
17 synthetic phenethylamines, one hallucinogenic synthetic
18 cathinone, and other hallucinogens, as schedule I controlled
19 substances. A schedule I controlled substance has a high
20 potential for abuse and has no accepted medical use in the
21 United States.

22 The bill classifies two anabolic steroids and one epilepsy
23 drug as schedule III controlled substances. A schedule III
24 controlled substance has a potential for abuse which is less
25 than that of the substances listed in schedules I and II and
26 currently has an accepted medical use in treatment in the
27 United States.

28 The bill also classifies a new weight loss hallucinogenic
29 drug as a schedule IV controlled substance. A schedule
30 IV controlled substance has a low potential for abuse when
31 compared with the substances listed in schedule III and
32 currently has an accepted medical use in treatment in the
33 United States.

34 It is a class "C" felony pursuant to Code section
35 124.401(1)(c)(8) for any unauthorized person to violate a

LSB 5285DP (6) 85

-2-

jm/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 provision of Code section 124.401, involving a classified
2 substance placed on schedule I, II, or III pursuant to the
3 bill. A class "C" felony for this particular offense is
4 punishable by confinement for no more than 10 years and a fine
5 of at least \$1,000 but not more than \$50,000.

6 It is an aggravated misdemeanor pursuant to Code section
7 124.401(1)(d) for any unauthorized person to violate a
8 provision of Code section 124.401, involving a classified
9 substance placed on schedule IV pursuant to the bill. An
10 aggravated misdemeanor is punishable by confinement for no more
11 than two years and a fine of at least \$625 but not more than
12 \$6,250.

13 If a person possesses a controlled substance in violation of
14 Code section 124.401(5) as a first offense, the person commits
15 a serious misdemeanor. A serious misdemeanor is punishable by
16 confinement for no more than one year and a fine of at least
17 \$315 but not more than \$1,875.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3009 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF NURSING
BILL)

A BILL FOR

1 An Act relating to the practice of nursing, including defining
2 the functions of an advanced registered nurse practitioner
3 and requiring background checks on nursing students.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5300DP (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 125.2, subsection 11, Code 2014, is
2 amended to read as follows:

3 11. *"Psychiatric advanced registered nurse practitioner"*
4 means an individual currently licensed as a registered nurse
5 under chapter 152 or 152E who holds a national certification
6 in psychiatric mental health care and who is ~~registered with~~
7 licensed by the board of nursing as an advanced registered
8 nurse practitioner.

9 Sec. 2. Section 135G.1, subsection 1, Code 2014, is amended
10 to read as follows:

11 1. *"Advanced registered nurse practitioner"* means a person
12 currently licensed as a registered nurse under chapter 152 or
13 152E who is ~~registered with~~ licensed by the board of nursing as
14 an advanced registered nurse practitioner.

15 Sec. 3. Section 147.74, subsection 21, Code 2014, is amended
16 to read as follows:

17 21. A registered nurse licensed under chapter 152 may use
18 the words "registered nurse" or the letters "R.N." after the
19 person's name. A licensed practical nurse licensed under
20 chapter 152 may use the words "licensed practical nurse" or
21 the letters "L.P.N." after the person's name. An advanced
22 registered nurse practitioner licensed under chapter 152 or
23 152E may use the words "advanced registered nurse practitioner"
24 or the letters "A.R.N.P." after the person's name.

25 Sec. 4. Section 147.107, subsection 8, Code 2014, is amended
26 to read as follows:

27 8. Notwithstanding subsection 1, but subject to the
28 limitations contained in subsections 2 and 3, a registered
29 nurse who is licensed ~~and registered~~ as an advanced registered
30 nurse practitioner and who qualifies for and is registered
31 in a recognized nursing specialty may prescribe substances
32 or devices, including controlled substances or devices, if
33 the nurse is engaged in the practice of a nursing specialty
34 regulated under rules adopted by the board of nursing in
35 consultation with the board of medicine and the board of

LSB 5300DP (5) 85

-1-

ad/nh

1/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 pharmacy.

2 Sec. 5. Section 152.1, Code 2014, is amended by adding the
3 following new subsections:

4 NEW SUBSECTION. 0A. *"Advanced registered nurse practitioner"*
5 means a nurse with a current license as a registered nurse in
6 Iowa or who is licensed in another state and recognized for
7 licensure in this state pursuant to the nurse licensure compact
8 contained in chapter 152E, and is also licensed in Iowa to
9 practice in an advanced role.

10 NEW SUBSECTION. 3A. The *"practice of an advanced registered*
11 *nurse practitioner"* means the practice of a registered nurse
12 with formal advanced education who is licensed by the board to
13 do all of the following:

14 a. Use the title "advanced registered nurse practitioner"
15 and the letters "A.R.N.P." pursuant to section 152.6.

16 b. Utilize full practice authority in a specialty area
17 approved by the board.

18 c. Prescribe, deliver, distribute, or dispense prescription
19 drugs, devices, and medical gases when the nurse is engaged in
20 the practice of a specialty area approved by the board pursuant
21 to section 147.107.

22 d. Perform a physical or an advanced assessment; order
23 and interpret diagnostic procedures; formulate a primary and
24 differential diagnosis; order therapeutic treatments; educate
25 and counsel patients and family members; delegate and assign
26 therapeutic measures to assistive personnel; maintain hospital
27 privileges; consult with other disciplines; provide referrals
28 to health care agencies, health care providers, and community
29 resources; and promote health maintenance.

30 e. Perform acts or nursing specialities that require
31 education as prescribed by the board, commensurate with the
32 advanced registered nurse practitioner's education, continuing
33 education, demonstrated competencies, and experience.

34 f. Sign death certificates, pursuant to section 144.26 or
35 144.28.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Sec. 6. Section 152.1, subsections 4 and 5, Code 2014, are
2 amended to read as follows:

3 4. The "*practice of a licensed practical nurse*" means the
4 practice of a natural person who is licensed by the board to do
5 all of the following:

6 a. Perform services in the provision of supportive or
7 restorative care under the supervision of a registered nurse
8 or a physician.

9 b. ~~Perform additional acts under emergency or other~~
10 ~~conditions which require education and training and which are~~
11 ~~recognized by the medical and nursing professions and are~~
12 ~~approved by the board, as being proper to be performed by a~~
13 ~~licensed practical nurse that require education as prescribed~~
14 ~~by the board, commensurate with the licensed practical nurse's~~
15 ~~education, continuing education, demonstrated competencies, and~~
16 ~~experience.~~

17 c. Make the pronouncement of death for a patient whose death
18 is anticipated if the death occurs in a licensed hospital, a
19 licensed health care facility, a Medicare-certified home health
20 agency, a Medicare-certified hospice program or facility, or
21 an assisted living facility or residential care facility,
22 with notice of the death to a physician ~~and in accordance~~
23 ~~with any directions of a physician,~~ advanced registered nurse
24 practitioner, or physician assistant.

25 5. The "*practice of nursing*" means the practice of a
26 registered nurse, ~~or~~ a licensed practical nurse, or an advanced
27 registered nurse practitioner. It does not mean any of the
28 following:

29 a. The practice of medicine and surgery and the practice of
30 osteopathic medicine and surgery, as defined in chapter 148,
31 or the practice of pharmacy as defined in chapter 155A, except
32 ~~practices which are recognized by the medical and nursing~~
33 ~~professions and approved by the board as proper to be performed~~
34 ~~by a registered nurse approved by the board as proper to be~~
35 performed by a registered nurse with appropriate education and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 demonstrated competencies.

2 **b.** The performance of nursing services by an unlicensed
3 student enrolled in a nursing education program if performance
4 is part of the course of study. Individuals who have been
5 licensed as registered nurses, ~~or~~ licensed practical or
6 vocational nurses, or advanced registered nurse practitioners
7 in any state or jurisdiction of the United States are not
8 subject to this exemption.

9 **c.** The performance of services by unlicensed workers
10 employed in offices, hospitals, or health care facilities, as
11 defined in section 135C.1, under the supervision of a physician
12 or a nurse licensed under this chapter, or employed in the
13 office of a psychologist, podiatric physician, optometrist,
14 chiropractor, speech pathologist, audiologist, or physical
15 therapist licensed to practice in this state, and when acting
16 while within the scope of the employer's license.

17 **d.** The practice of a nurse licensed in another state
18 and employed in this state by the federal government if the
19 practice is in discharge of official employment duties.

20 **e.** The care of the sick rendered in connection with the
21 practice of the religious tenets of any church or order by
22 the adherents thereof which is not performed for hire, or if
23 performed for hire by those who depend upon prayer or spiritual
24 means for healing in the practice of the religion of their
25 church or denomination, so long as they do not otherwise engage
26 in the practice of nursing as practical nurses.

27 Sec. 7. Section 152.1, subsection 6, paragraphs d and e,
28 Code 2014, are amended to read as follows:

29 **d.** Perform ~~additional~~ acts or nursing specialties ~~which~~
30 ~~that~~ require education and training under emergency or other
31 ~~conditions which are recognized by the medical and nursing~~
32 ~~professions and are approved by the board as being proper to~~
33 ~~be performed by a registered nurse as prescribed by the board,~~
34 commensurate with the registered nurse's education, continuing
35 education, demonstrated competencies, and experience.

LSB 5300DP (5) 85

-4-

ad/nh

4/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 e. Make the pronouncement of death for a patient whose death
2 is anticipated if the death occurs in a licensed hospital, a
3 licensed health care facility, a Medicare-certified home health
4 agency, a Medicare-certified hospice program or facility, an
5 assisted living facility, or a residential care facility, with
6 notice of the death to a physician ~~and in accordance with any~~
7 ~~directions of a,~~ advanced registered nurse practitioner, or
8 physician assistant.

9 Sec. 8. Section 152.4, Code 2014, is amended to read as
10 follows:

11 **152.4 Appropriations Use of funds.**

12 The board may ~~apply appropriated~~ use any available funds to
13 and moneys retained by the board pursuant to section 147.82 for
14 any of the following:

- 15 1. The administration and enforcement of the applicable
16 provisions of this chapter and of chapter chapters 147, 152E,
17 and 272C.
- 18 2. The elevation of the standards of the schools of nursing.
- 19 3. The promotion of educational and professional standards
20 of nurses in this state.
- 21 4. The collection, analysis, and dissemination of nursing
22 workforce data.

23 Sec. 9. Section 152.5, subsections 1 and 2, Code 2014, are
24 amended to read as follows:

- 25 1. All programs preparing a person to be a registered nurse,
26 ~~or~~ a licensed practical nurse, or an advanced registered nurse
27 practitioner shall be approved by the board. The board shall
28 not recognize a program unless it:
- 29 a. Is of recognized standing.
- 30 b. Has provisions for adequate physical and clinical
31 facilities and other resources with which to conduct a sound
32 education program.
- 33 c. Requires, for graduation of a registered nurse applicant,
34 the completion of at least a two academic year course of study.
- 35 d. Requires, for graduation of a licensed practical nurse



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 applicant, the completion of at least a one academic year
2 course of study as prescribed by the board.

3 e. Requires, for graduation of an advanced registered nurse
4 practitioner, satisfactory completion of a formal advanced
5 practice educational program of study in a nursing specialty
6 area approved by the board and appropriate clinical experience
7 as approved by the board.

8 2. All ~~advanced~~ postlicensure formal academic nursing
9 education programs shall also be approved by the board.

10 Sec. 10. Section 152.5, subsection 3, Code 2014, is amended
11 by striking the subsection.

12 Sec. 11. NEW SECTION. 152.5A Student record checks.

13 1. For the purposes of this section:

14 a. "*Nursing program*" means a nursing program that is
15 approved by the board pursuant to section 152.5.

16 b. "*Student*" means a person applying for, enrolled in, or
17 returning to the clinical education component of a nursing
18 program.

19 2. All nursing programs shall conduct record checks on
20 students as provided in this section.

21 3. A nursing program may access the single contact
22 repository established pursuant to section 135C.33 as necessary
23 for the nursing program to initiate record checks of students.

24 4. A nursing program shall request that the department
25 of public safety perform a criminal history check and the
26 department of human services perform child and dependent adult
27 abuse record checks in this state on the nursing program's
28 students.

29 5. If a student has a criminal record or a record of founded
30 child or dependent adult abuse, upon request of the nursing
31 program, the department of human services shall perform an
32 evaluation to determine whether the record warrants prohibition
33 of the person's involvement in a clinical education component
34 of a nursing program involving children or dependent adults.
35 The department of human services shall utilize the criteria



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 provided in section 135C.33 in performing the evaluation and
2 shall report the results of the evaluation to the nursing
3 program. The department of human services has final authority
4 in determining whether prohibition of the person's involvement
5 in a clinical education component is warranted.

6 Sec. 12. Section 152.6, Code 2014, is amended to read as
7 follows:

8 **152.6 Licenses — professional abbreviations.**

9 The board may license a natural person to practice as a
10 registered nurse, ~~or as a licensed practical nurse, or an~~
11 advanced registered nurse practitioner. However, only a person
12 currently licensed as a registered nurse in this state may
13 use that title and the ~~abbreviation "RN"~~ letters "R.N." after
14 the person's name; ~~and only a person currently licensed as a~~
15 licensed practical nurse in this state may use that title and
16 the abbreviation "LPN" letters "L.P.N." after the person's
17 name; and only a person currently licensed as an advanced
18 registered nurse practitioner may use that title and the
19 letters "A.R.N.P." after the person's name. For purposes of
20 this section, "currently licensed" includes persons licensed
21 in another state and recognized for licensure in this state
22 pursuant to the nurse licensure compact contained in section
23 152E.1 or pursuant to the advanced practice registered nurse
24 compact contained in section 152E.3.

25 Sec. 13. Section 152.7, Code 2014, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 1A. An applicant to be licensed as an
28 advanced registered nurse practitioner shall have the following
29 qualifications:

30 a. Hold a current license as a registered nurse pursuant to
31 this chapter.

32 b. Complete an advanced practice educational program as set
33 out in section 152.5.

34 c. Hold an advanced level certification by an appropriate
35 national certifying body.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Sec. 14. Section 152.10, subsection 2, paragraph d, Code
2 2014, is amended to read as follows:

3 d. (1) Having a license to practice nursing ~~as a registered~~
4 ~~nurse or licensed practical nurse~~ revoked or suspended, or
5 having other disciplinary action taken by a licensing authority
6 of another state, territory, or country. A certified copy of
7 the record or order of suspension, revocation, or disciplinary
8 action is prima facie evidence of such fact.

9 (2) Having a license to practice nursing ~~as a registered~~
10 ~~nurse or licensed practical nurse~~ revoked or suspended,
11 or having other disciplinary action taken, by a licensing
12 authority in another state which has adopted the nurse
13 licensure compact contained in section 152E.1 or the advanced
14 practice registered nurse compact contained in section 152E.3
15 and which has communicated information relating to such
16 action pursuant to the coordinated licensure information
17 system established by the compact. If the action taken by
18 the licensing authority occurs in a jurisdiction which does
19 not afford the procedural protections of chapter 17A, the
20 licensee may object to the communicated information and shall
21 be afforded the procedural protections of chapter 17A.

22 Sec. 15. Section 152.10, subsection 2, paragraph h,
23 subparagraph (2), Code 2014, is amended to read as follows:

24 (2) The board may, upon probable cause, request a licensee
25 to submit to an appropriate medical examination by a designated
26 physician. If requested by the licensee, the licensee may also
27 designate a physician for an independent medical examination.
28 ~~The reasonable costs of such examinations and medical reports~~
29 ~~to the board shall be paid by the board.~~ Refusal or failure
30 of a licensee to complete such examinations shall constitute
31 an admission of any allegations relating to such condition.
32 All objections shall be waived as to the admissibility of the
33 examining physicians' testimony or examination reports on the
34 grounds that they constitute privileged communication. The
35 medical testimony or examination reports shall not be used

LSB 5300DP (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 against a ~~registered nurse or licensed practical nurse~~ licensee
2 in another proceeding and shall be confidential. At reasonable
3 intervals, a ~~registered nurse or licensed practical nurse~~
4 licensee shall be afforded an opportunity to demonstrate that
5 the ~~registered nurse or licensed practical nurse~~ licensee can
6 resume the competent practice of nursing with reasonable skill
7 and safety to patients.

8 Sec. 16. Section 152.11, Code 2014, is amended to read as
9 follows:

10 **152.11 Investigators ~~for nurses~~.**

11 The board of nursing may appoint investigators, who shall
12 not be members of the board, to administer and aid in the
13 enforcement of the provisions of law related to those licensed
14 to practice nursing. The amount of compensation for the
15 investigators shall be determined pursuant to chapter 8A,
16 subchapter IV. Investigators authorized by the board of nursing
17 have the powers and status of peace officers when enforcing
18 this chapter and chapters 147 and 272C.

19 Sec. 17. Section 225C.6, subsection 4, paragraph c,
20 subparagraph (1), Code 2014, is amended to read as follows:

21 (1) A comprehensive set of wraparound services for persons
22 who have had or are at imminent risk of having acute or
23 crisis mental health symptoms that do not permit the persons
24 to remain in or threatens removal of the persons from their
25 home and community, but who have been determined by a mental
26 health professional and a licensed health care professional,
27 subject to the professional's scope of practice, not to need
28 inpatient acute hospital services. For the purposes of this
29 subparagraph, "*mental health professional*" means the same as
30 defined in section 228.1 and "*licensed health care professional*"
31 means a person licensed under chapter 148 to practice medicine
32 and surgery or osteopathic medicine and surgery, an advanced
33 registered nurse practitioner licensed under chapter 152 or
34 152E and ~~registered with~~ licensed by the board of nursing, or a
35 physician assistant licensed to practice under the supervision



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 of a physician as authorized in chapters 147 and 148C.

2 Sec. 18. Section 228.1, subsection 6, paragraph b, Code
3 2014, is amended to read as follows:

4 b. The individual holds a current Iowa license if
5 practicing in a field covered by an Iowa licensure law and
6 is a psychiatrist, an advanced registered nurse practitioner
7 who holds a national certification in psychiatric mental
8 health care ~~registered by the board of nursing and who is~~
9 licensed by the board of nursing as an advanced registered
10 nurse practitioner, a physician assistant practicing under the
11 supervision of a psychiatrist, or an individual who holds a
12 doctorate degree in psychology and is licensed by the board of
13 psychology.

14 Sec. 19. Section 229.1, subsection 13, Code 2014, is amended
15 to read as follows:

16 13. *"Psychiatric advanced registered nurse practitioner"*
17 means an individual currently licensed as a registered nurse
18 under chapter 152 or 152E who holds a national certification
19 in psychiatric mental health care and who is ~~registered with~~
20 licensed by the board of nursing as an advanced registered
21 nurse practitioner.

22 Sec. 20. Section 231B.21, subsection 2, paragraph a, Code
23 2014, is amended to read as follows:

24 a. If administration of medications is delegated to
25 the elder group home by the tenant or tenant's legal
26 representative, the medications shall be administered by
27 a registered nurse, licensed practical nurse, or advanced
28 registered nurse practitioner licensed ~~or registered~~ in Iowa
29 or by the individual to whom such licensed ~~or registered~~
30 individuals may properly delegate administration of
31 medications.

32 Sec. 21. Section 231C.16A, subsection 2, paragraph a, Code
33 2014, is amended to read as follows:

34 a. If administration of medications is delegated to the
35 program by the tenant or tenant's legal representative,

LSB 5300DP (5) 85

-10-

ad/nh

10/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 the medications shall be administered by a registered
2 nurse, licensed practical nurse, or advanced registered
3 nurse practitioner licensed ~~or registered~~ in Iowa or by the
4 individual to whom such licensed ~~or registered~~ individuals may
5 properly delegate administration of medications.

6 Sec. 22. Section 231D.13A, subsection 2, paragraph a, Code
7 2014, is amended to read as follows:

8 a. If administration of medications is delegated to
9 the program by the participant or the participant's legal
10 representative, the medications shall be administered by
11 a registered nurse, licensed practical nurse, or advanced
12 registered nurse practitioner licensed ~~or registered~~ in Iowa
13 or by the individual to whom such licensed ~~or registered~~
14 individuals may properly delegate administration of
15 medications.

16 Sec. 23. Section 321.34, subsection 14, Code 2014, is
17 amended to read as follows:

18 14. *Persons with disabilities special plates.* An owner
19 referred to in subsection 12 or an owner of a trailer used
20 to transport a wheelchair who is a person with a disability,
21 or who is the parent or guardian of a child who resides
22 with the parent or guardian owner and who is a person with a
23 disability, as defined in section 321L.1, may, upon written
24 application to the department, order special registration
25 plates with a persons with disabilities processed emblem
26 designed by the department bearing the international symbol
27 of accessibility. The special registration plates with a
28 persons with disabilities processed emblem shall only be
29 issued if the application is accompanied with a statement from
30 a physician licensed under chapter 148 or 149, a physician
31 assistant licensed under chapter 148C, an advanced registered
32 nurse practitioner licensed under chapter 152 or 152E, or
33 a chiropractor licensed under chapter 151, written on the
34 physician's, physician assistant's, nurse practitioner's,
35 or chiropractor's stationery, stating the nature of the

LSB 5300DP (5) 85

-11-

ad/nh

11/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 applicant's or the applicant's child's disability and such
2 additional information as required by rules adopted by the
3 department, including proof of residency of a child who is
4 a person with a disability. If the application is approved
5 by the department, the special registration plates with a
6 persons with disabilities processed emblem shall be issued
7 to the applicant. There shall be no fee in addition to the
8 regular annual registration fee for the special registration
9 plates with a persons with disabilities processed emblem. The
10 authorization for special registration plates with a persons
11 with disabilities processed emblem shall not be renewed
12 without the applicant furnishing evidence to the department
13 that the owner of the vehicle or the owner's child is still
14 a person with a disability as defined in section 321L.1. An
15 owner who has a child who is a person with a disability shall
16 provide satisfactory evidence to the department that the
17 child with a disability continues to reside with the owner.
18 The registration plates with a persons with disabilities
19 processed emblem shall be surrendered in exchange for regular
20 registration plates as provided in subsection 12 when the owner
21 of the vehicle or the owner's child no longer qualifies as a
22 person with a disability as defined in section 321L.1 or when
23 the owner's child who is a person with a disability no longer
24 resides with the owner.

25 Sec. 24. Section 321.186, subsection 4, Code 2014, is
26 amended to read as follows:

27 4. A physician licensed under chapter 148, an advanced
28 registered nurse practitioner licensed under chapter 152 ~~and~~
29 ~~registered with the board of nursing~~ or 152E, a physician
30 assistant licensed under chapter 148C, or an optometrist
31 licensed under chapter 154 may report to the department
32 the identity of a person who has been diagnosed as having a
33 physical or mental condition which would render the person
34 physically or mentally incompetent to operate a motor vehicle
35 in a safe manner. The physician, advanced registered nurse

LSB 5300DP (5) 85

-12-

ad/nh

12/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 practitioner, physician assistant, or optometrist shall make
2 reasonable efforts to notify the person who is the subject of
3 the report, in writing. The written notification shall state
4 the nature of the disclosure and the reason for the disclosure.
5 A physician, advanced registered nurse practitioner, physician
6 assistant, or optometrist making a report under this section
7 shall be immune from any liability, civil or criminal, which
8 might otherwise be incurred or imposed as a result of the
9 report. A physician, advanced registered nurse practitioner,
10 physician assistant, or optometrist has no duty to make a
11 report or to warn third parties with regard to any knowledge
12 concerning a person's mental or physical competency to operate
13 a motor vehicle in a safe manner. Any report received by
14 the department from a physician, advanced registered nurse
15 practitioner, physician assistant, or optometrist under this
16 section shall be kept confidential. Information regulated by
17 chapter 141A shall be subject to the confidentiality provisions
18 and remedies of that chapter.

19 Sec. 25. Section 321L.2, subsection 1, unnumbered paragraph
20 1, Code 2014, is amended to read as follows:

21 A resident of the state with a disability desiring a persons
22 with disabilities parking permit shall apply to the department
23 upon an application form furnished by the department providing
24 the applicant's full legal name, address, date of birth, and
25 social security number or Iowa driver's license number or
26 Iowa nonoperator's identification card number, and shall also
27 provide a statement from a physician licensed under chapter
28 148 or 149, a physician assistant licensed under chapter 148C,
29 an advanced registered nurse practitioner licensed under
30 chapter 152 or 152E, or a chiropractor licensed under chapter
31 151, or a physician, physician assistant, nurse practitioner,
32 or chiropractor licensed to practice in a contiguous state,
33 written on the physician's, physician assistant's, nurse
34 practitioner's, or chiropractor's stationery, stating the
35 nature of the applicant's disability and such additional

LSB 5300DP (5) 85

ad/nh

13/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 information as required by rules adopted by the department
2 under section 321L.8. If the person is applying for a
3 temporary persons with disabilities parking permit, the
4 physician's, physician assistant's, nurse practitioner's, or
5 chiropractor's statement shall state the period of time during
6 which the person is expected to be disabled and the period
7 of time for which the permit should be issued, not to exceed
8 six months. The department may waive the requirement that
9 the applicant furnish the applicant's social security number,
10 Iowa driver's license number, or nonoperator's identification
11 card number when the application for a temporary persons with
12 disabilities parking permit is made on behalf of a person who
13 is less than one year old.

14 Sec. 26. Section 514C.11, Code 2014, is amended to read as
15 follows:

16 **514C.11 Services provided by licensed physician assistants**
17 **and licensed advanced registered nurse practitioners.**

18 Notwithstanding section 514C.6, a policy or contract
19 providing for third-party payment or prepayment of health or
20 medical expenses shall include a provision for the payment
21 of necessary medical or surgical care and treatment provided
22 by a physician assistant licensed pursuant to chapter 148C,
23 or provided by an advanced registered nurse practitioner
24 licensed pursuant to chapter 152 or 152E and performed within
25 the scope of the license of the licensed physician assistant
26 or the licensed advanced registered nurse practitioner if the
27 policy or contract would pay for the care and treatment if
28 the care and treatment were provided by a person engaged in
29 the practice of medicine and surgery or osteopathic medicine
30 and surgery under chapter 148. The policy or contract shall
31 provide that policyholders and subscribers under the policy
32 or contract may reject the coverage for services which may
33 be provided by a licensed physician assistant or licensed
34 advanced registered nurse practitioner if the coverage is
35 rejected for all providers of similar services. A policy or

LSB 5300DP (5) 85

-14-

ad/nh

14/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 contract subject to this section shall not impose a practice
2 or supervision restriction which is inconsistent with or more
3 restrictive than the restriction already imposed by law. This
4 section applies to services provided under a policy or contract
5 delivered, issued for delivery, continued, or renewed in this
6 state on or after July 1, 1996, and to an existing policy or
7 contract, on the policy's or contract's anniversary or renewal
8 date, or upon the expiration of the applicable collective
9 bargaining contract, if any, whichever is later. This section
10 does not apply to policyholders or subscribers eligible for
11 coverage under Tit. XVIII of the federal Social Security Act
12 or any similar coverage under a state or federal government
13 plan. For the purposes of this section, third-party payment
14 or prepayment includes an individual or group policy of
15 accident or health insurance or individual or group hospital
16 or health care service contract issued pursuant to chapter
17 509, 514, or 514A, an individual or group health maintenance
18 organization contract issued and regulated under chapter 514B,
19 an organized delivery system contract regulated under rules
20 adopted by the director of public health, or a preferred
21 provider organization contract regulated pursuant to chapter
22 514F. Nothing in this section shall be interpreted to require
23 an individual or group health maintenance organization, an
24 organized delivery system, or a preferred provider organization
25 or arrangement to provide payment or prepayment for services
26 provided by a licensed physician assistant or licensed advanced
27 registered nurse practitioner unless the physician assistant's
28 supervising physician, the physician-physician assistant team,
29 the advanced registered nurse practitioner, or the advanced
30 registered nurse practitioner's collaborating physician has
31 entered into a contract or other agreement to provide services
32 with the individual or group health maintenance organization,
33 the organized delivery system, or the preferred provider
34 organization or arrangement.

35 Sec. 27. Section 514C.13, subsection 1, paragraph c, Code

LSB 5300DP (5) 85

-15-

ad/nh

15/17

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014**

S.F. _____ H.F. _____

1 2014, is amended to read as follows:

2 c. "Health care provider" means a hospital licensed
3 pursuant to chapter 135B, a person licensed under chapter 148,
4 148C, 149, 151, or 154, or a person licensed as an advanced
5 registered nurse practitioner under chapter 152 or 152E.

6 Sec. 28. Section 514F.6, subsection 2, paragraph a, Code
7 2014, is amended to read as follows:

8 a. *"Advanced registered nurse practitioner"* means a licensed
9 an advanced registered nurse who is also registered to practice
10 in an advanced role practitioner licensed under chapter 152 or
11 152E.

12 Sec. 29. TRANSITION PROVISIONS — CONTINUING VALIDITY OF
13 REGISTRATIONS. A registration as an advanced registered nurse
14 practitioner issued prior to July 1, 2014, remains valid until
15 its expiration. A renewal shall be by license as provided in
16 this Act.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill contains various revisions to Code provisions
21 relating to the practice of nursing. The bill requires
22 advanced registered nurse practitioners to be licensed by the
23 board of nursing rather than registered, and authorizes the
24 professional abbreviation "A.R.N.P."

25 Current Code language authorizes licensed practical nurses
26 and registered nurses to perform acts or nursing specialties
27 which are recognized by the medical and nursing professions
28 and are approved by the board. The bill eliminates this
29 provision and provides that the regulation of nursing is the
30 authority and responsibility of the board to determine which
31 acts or specialties may be performed by a nurse, commensurate
32 with the nurse's education, continuing education, demonstrated
33 competencies and experience.

34 The bill specifies the purposes for which licensing fees
35 which are treated as return receipts may be used by the board.

LSB 5300DP (5) 85

ad/nh

16/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 The bill separates the provision on education programs and
2 student records into two Code sections.

3 Currently, the board of nursing may request a nurse who is
4 a licensee to submit to an appropriate medical examination.
5 The bill eliminates the requirement that the board pay the
6 reasonable costs for such examinations and medical reports.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3010 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DENTAL BOARD
BILL)

A BILL FOR

1 An Act providing for an executive director of the dental board.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5268DP (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 153.33, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. To appoint an executive director
4 who shall serve at the pleasure of the board. The executive
5 director shall be exempt from the merit system provisions of
6 chapter 8A, subchapter IV.

7 Sec. 2. Section 153.33, subsection 3, Code 2014, is amended
8 to read as follows:

9 3. ~~All~~ Except for the executive director, all employees
10 needed to administer this chapter shall be appointed pursuant
11 to the merit system.

12 Sec. 3. NEW SECTION. 153.33B **Executive director — duties.**

13 1. The board shall appoint a full-time executive director.
14 The executive director shall not be a member of the board.

15 2. The duties of the executive director shall be as follows:

16 a. To receive all applications authorized by the board, and
17 applications to be licensed for the practice of dentistry and
18 dental hygiene, to be registered for the practice of dental
19 assisting, and to be permitted to administer sedation and
20 anesthesia.

21 b. To collect and receive all fees.

22 c. To keep a record of all board proceedings and all records
23 pertaining to licensure, registration, enforcement, and other
24 board actions.

25 d. To appoint assistants to the director and other persons
26 necessary to administer this chapter. Any appointments shall
27 be merit appointments made pursuant to chapter 8A, subchapter
28 IV.

29 e. To perform such other duties as may be prescribed by the
30 board.

31 **EXPLANATION**

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill requires the dental board to appoint a full-time
35 executive director. The bill provides that the executive

LSB 5268DP (3) 85
ec/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 director shall serve at the pleasure of the board and shall not
2 be a member of the board. The bill specifies that the duties
3 of the executive director are to receive applications, collect
4 fees, keep records, appoint assistants, and to perform such
5 duties as prescribed by the dental board.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3011 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act relating to employment, disciplinary, and other
2 procedures for entities regulated by the department of
3 inspections and appeals, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5304XD (4) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 135B.34, subsection 2, paragraph b,
2 subparagraph (2), Code 2014, is amended to read as follows:

3 (2) Subparagraph (1) applies to a crime that is a simple
4 misdemeanor offense under section 123.47 ~~or chapter 321~~, and
5 to a crime that is a first offense of operating a motor vehicle
6 while intoxicated under section 321J.2, subsection 1.

7 Sec. 2. Section 135C.10, subsection 9, Code 2014, is amended
8 to read as follows:

9 9. In the case of an application by an existing licensee
10 for a new or newly acquired facility, continuing or repeated
11 failure of the licensee to operate any previously licensed
12 facility or facilities in compliance with the provisions of
13 this chapter ~~or of~~, the rules adopted pursuant to ~~it~~ this
14 chapter, or equivalent provisions that the facility is subject
15 to in this state or any other state.

16 Sec. 3. Section 135C.10, Code 2014, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 11. Impeding the department's ability to
19 ensure the facility's compliance with this chapter or with
20 rules adopted pursuant to this chapter.

21 Sec. 4. Section 135C.11, subsection 2, Code 2014, is amended
22 to read as follows:

23 2. The procedure governing hearings authorized by this
24 section shall be in accordance with the rules promulgated by
25 the department. A full and complete record shall be kept
26 of all proceedings, and all testimony shall be reported but
27 need not be transcribed unless judicial review is sought
28 pursuant to section 135C.13. Copies of the transcript may be
29 obtained by an interested party upon payment of the cost of
30 preparing the copies. Witnesses may be subpoenaed by either
31 party and shall be allowed fees at a rate prescribed by the
32 department's rules. The director may, after advising ~~the~~
33 ~~certified volunteer long-term care ombudsman~~ a representative
34 of the office of long-term care ombudsman, either proceed in
35 accordance with section 135C.30, or remove all residents and

LSB 5304XD (4) 85

-1-

ad/nh

1/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 suspend the license or licenses of any health care facility,
2 prior to a hearing, when the director finds that the health
3 or safety of residents of the health care facility requires
4 such action on an emergency basis. ~~The fact that a certified~~
5 ~~volunteer long-term care ombudsman has not been appointed for a~~
6 ~~particular facility shall not bar the director from exercising~~
7 ~~the emergency powers granted by this subsection with respect~~
8 ~~to that facility.~~

9 Sec. 5. Section 135C.13, Code 2014, is amended to read as
10 follows:

11 **135C.13 Judicial review.**

12 Judicial review of any action of the director may be sought
13 in accordance with the terms of the Iowa administrative
14 procedure Act, chapter 17A. Notwithstanding the terms of
15 chapter 17A, petitions for judicial review may be filed in the
16 district court of the county where the facility or proposed
17 facility is located, and pending final disposition of the
18 matter the status quo of the applicant or licensee shall be
19 preserved except when the director, ~~with the advice and consent~~
20 after advising a representative of the certified volunteer
21 office of long-term care ombudsman, determines that the health,
22 safety, or welfare of the residents of the facility is in
23 immediate danger, in which case the director may order the
24 immediate removal of such residents. ~~The fact that a certified~~
25 ~~volunteer long-term care ombudsman has not been appointed for a~~
26 ~~particular facility shall not bar the director from exercising~~
27 ~~the emergency powers granted by this section with respect to~~
28 ~~that facility.~~

29 Sec. 6. Section 135C.14, subsection 8, paragraph d, Code
30 2014, is amended to read as follows:

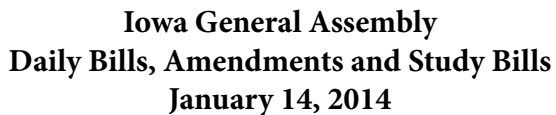
31 *d.* The notification of ~~certified volunteer~~ the office
32 of long-term care ombudsmen ombudsman by the department of
33 all complaints relating to health care facilities and the
34 involvement of the ~~certified volunteer~~ office of long-term care
35 ~~ombudsmen~~ ombudsman in resolution of the complaints.

LSB 5304XD (4) 85

-2-

ad/nh

2/14



1 Sec. 7. Section 135C.16, subsection 3, Code 2014, is amended
2 to read as follows:

3 3. An ~~inspector~~ authorized representative of the department
4 may enter any licensed health care facility without a
5 warrant, and may examine all records pertaining to the care
6 provided residents of the facility. An ~~inspector~~ authorized
7 representative of the department may contact or interview
8 any resident, employee, or any other person who might have
9 knowledge about the operation of a health care facility.
10 An ~~inspector~~ authorized representative of the department
11 of human services shall have the same right with respect
12 to any facility where one or more residents are cared for
13 entirely or partially at public expense, and an ~~investigator~~
14 authorized representative of the designated protection and
15 advocacy agency shall have the same right with respect to
16 any facility where one or more residents have developmental
17 disabilities or mental illnesses, and the state fire marshal
18 or a deputy appointed pursuant to section 135C.9, subsection
19 1, paragraph "b", shall have the same right of entry into any
20 facility and the right to inspect any records pertinent to
21 fire safety practices and conditions within that facility, and
22 an authorized representative of the office of long-term care
23 ombudsman shall have the same right with respect to any nursing
24 facility or residential care facility. If any such ~~inspector~~
25 authorized representative has probable cause to believe that
26 any institution, building, or agency not licensed as a health
27 care facility is in fact a health care facility as defined
28 by this chapter, and upon producing identification that the
29 individual is an ~~inspector~~ authorized representative is denied
30 entry thereto for the purpose of making an inspection, the
31 ~~inspector~~ authorized representative may, with the assistance
32 of the county attorney of the county in which the purported
33 health care facility is located, apply to the district court
34 for an order requiring the owner or occupant to permit entry
35 and inspection of the premises to determine whether there have



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 been any violations of this chapter.

2 Sec. 8. Section 135C.17, Code 2014, is amended to read as
3 follows:

4 **135C.17 Duties of other departments.**

5 It shall be the duty of the department of human services,
6 state fire marshal, office of long-term care ombudsman, and
7 the officers and agents of other state and local governmental
8 units, and the designated protection and advocacy agency to
9 assist the department in carrying out the provisions of this
10 chapter, insofar as the functions of these respective offices
11 and departments are concerned with the health, welfare, and
12 safety of any resident of any health care facility. It shall
13 be the duty of the department to cooperate with the protection
14 and advocacy agency and the office of long-term care ombudsman
15 by responding to all reasonable requests for assistance and
16 information as required by federal law and this chapter.

17 Sec. 9. Section 135C.19, subsection 2, paragraph b, Code
18 2014, is amended to read as follows:

19 *b.* A copy of each citation required to be posted by this
20 subsection shall be sent by the department to the department
21 of human services ~~and~~, to the designated protection and
22 advocacy agency if the facility has one or more residents
23 with developmental disabilities or mental illness, and to the
24 office of long-term care ombudsman if the facility is a nursing
25 facility or residential care facility.

26 Sec. 10. Section 135C.33, subsection 2, paragraph b,
27 subparagraph (2), Code 2014, is amended to read as follows:

28 (2) Subparagraph (1) applies to a crime that is a simple
29 misdemeanor offense under section 123.47 ~~or chapter 321~~, and
30 to a crime that is a first offense of operating a motor vehicle
31 while intoxicated under section 321J.2, subsection 1.

32 Sec. 11. Section 135C.33, subsection 8, paragraph d,
33 subparagraph (2), Code 2014, is amended to read as follows:

34 (2) Subparagraph (1) applies to a crime that is a simple
35 misdemeanor offense under section 123.47 ~~or chapter 321~~, and

LSB 5304XD (4) 85

-4-

ad/nh

4/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 to a crime that is a first offense of operating a motor vehicle
2 while intoxicated under section 321J.2, subsection 1.

3 Sec. 12. Section 135C.38, subsection 1, paragraphs a and c,
4 Code 2014, are amended to read as follows:

5 a. Upon receipt of a complaint made in accordance with
6 section 135C.37, the department ~~or certified volunteer~~
7 ~~long-term care ombudsman~~ shall make a preliminary review of
8 the complaint. Unless the department ~~or certified volunteer~~
9 ~~long-term care ombudsman~~ concludes that the complaint is
10 intended to harass a facility or a licensee or is without
11 reasonable basis, the department ~~or certified volunteer~~
12 ~~long-term care ombudsman~~ shall make or cause to be made an
13 on-site inspection of the health care facility which is the
14 subject of the complaint within the time period determined
15 pursuant to the following guidelines, which period shall
16 commence on the date of receipt of the complaint:

17 (1) For nursing facilities, an on-site inspection shall be
18 initiated as follows:

19 (a) Within two working days for a complaint determined by
20 the department ~~or certified volunteer long-term care ombudsman~~
21 to be an alleged immediate jeopardy situation.

22 (b) Within ten working days for a complaint determined by
23 the department ~~or certified volunteer long-term care ombudsman~~
24 to be an alleged high-level, nonimmediate jeopardy situation.

25 (c) Within forty-five calendar days for a complaint
26 determined by the department ~~or certified volunteer long-term~~
27 ~~care ombudsman~~ to be an alleged nonimmediate jeopardy
28 situation, other than a high-level situation.

29 (2) For all other types of health care facilities, an
30 on-site inspection shall be initiated as follows:

31 (a) Within two working days for a complaint determined by
32 the department ~~or certified volunteer long-term care ombudsman~~
33 to be an alleged immediate jeopardy situation.

34 (b) Within twenty working days for a complaint determined by
35 the department ~~or certified volunteer long-term care ombudsman~~

LSB 5304XD (4) 85
ad/nh

5/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 to be an alleged high-level, nonimmediate jeopardy situation.

2 (c) Within forty-five calendar days for a complaint
3 determined by the department ~~or certified volunteer long-term~~
4 ~~care ombudsman~~ to be an alleged nonimmediate jeopardy
5 situation, other than a high-level situation.

6 c. The department may refer to ~~the certified volunteer a~~
7 representative of the office of long-term care ombudsman ~~of a~~
8 ~~facility~~ any complaint received by the department regarding
9 ~~that a~~ facility, for initial evaluation and appropriate action
10 by the ~~certified volunteer office of~~ long-term care ombudsman.

11 Sec. 13. Section 135C.38, subsection 2, paragraph a, Code
12 2014, is amended to read as follows:

13 a. The complainant shall be promptly informed of the result
14 of any action taken by the department or ~~certified volunteer~~
15 the office of long-term care ombudsman in the matter. The
16 complainant shall also be notified of the name, address, and
17 telephone number of the designated protection and advocacy
18 agency if the alleged violation involves a facility with one
19 or more residents with developmental disabilities or mental
20 illness.

21 Sec. 14. Section 135C.38, subsection 3, Code 2014, is
22 amended to read as follows:

23 3. An inspection made pursuant to a complaint filed under
24 section 135C.37 need not be limited to the matter or matters
25 included in the complaint. However, the inspection shall
26 not be a general inspection unless the complaint inspection
27 coincides with a scheduled general inspection or unless in the
28 course of the complaint investigation a violation is evident to
29 the inspector. Upon arrival at the facility to be inspected,
30 the inspector shall show identification to the person in
31 charge of the facility and state that an inspection is to be
32 made, before beginning the inspection. Upon request of either
33 the complainant or the department or ~~certified volunteer a~~
34 representative of the office of long-term care ombudsman, the
35 complainant or the complainant's representative or both may

LSB 5304XD (4) 85

ad/nh

6/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 be allowed the privilege of accompanying the inspector during
2 any on-site inspection made pursuant to this section. The
3 inspector may cancel the privilege at any time if the inspector
4 determines that the privacy of any resident of the facility to
5 be inspected would otherwise be violated. The protection and
6 dignity of the resident shall be given first priority by the
7 inspector and others.

8 Sec. 15. Section 135C.38, subsection 4, Code 2014, is
9 amended by striking the subsection.

10 Sec. 16. Section 231B.8, Code 2014, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **231B.8 Exit interview — issuance of findings.**

13 1. The department shall provide an elder group home an
14 exit interview at the conclusion of a monitoring evaluation
15 or complaint investigation, and the department shall inform
16 the home's representative of all issues and areas of concern
17 related to the insufficient practices. The department may
18 conduct the exit interview in person or by telephone, and
19 the department shall provide a second exit interview if any
20 additional issues or areas of concern are identified. The home
21 shall have two working days from the date of the exit interview
22 to submit additional or rebuttal information to the department.

23 2. The department shall issue the final findings of a
24 monitoring evaluation or complaint investigation within
25 ten working days after completion of the on-site monitoring
26 evaluation or complaint investigation. The final findings
27 shall be served upon the home personally, by electronic mail,
28 or by certified mail.

29 Sec. 17. Section 231B.9, Code 2014, is amended to read as
30 follows:

31 **231B.9 Public disclosure of findings.**

32 Upon completion of a monitoring evaluation or complaint
33 investigation of an elder group home by the department pursuant
34 to this chapter, ~~including the conclusion of informal review,~~
35 the department's final findings with respect to compliance by

LSB 5304XD (4) 85
ad/nh

7/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 the elder group home with requirements for certification shall
2 be made available to the public in a readily available form
3 and place. Other information relating to an elder group home
4 that is obtained by the department which does not constitute
5 the department's final findings from a monitoring evaluation or
6 complaint investigation of the elder group home shall not be
7 made available to the public except in proceedings involving
8 the denial, suspension, or revocation of a certificate under
9 this chapter.

10 Sec. 18. **NEW SECTION. 231B.9A Informal conference — formal**
11 **contest — judicial review.**

12 1. Within twenty business days after issuance of the final
13 findings, the elder group home shall notify the director if the
14 home desires to contest the findings and request an informal
15 conference.

16 2. The department shall provide an independent reviewer to
17 hold an informal conference with an elder group home within
18 ten working days after receiving a request from the home
19 pursuant to subsection 1. At the conclusion of the informal
20 conference, the independent reviewer may affirm, modify, or
21 dismiss a contested regulatory insufficiency. The independent
22 reviewer shall state in writing the specific reasons for
23 the affirmation, modification, or dismissal and immediately
24 transmit copies of the statement to the department and to the
25 home.

26 3. An independent reviewer shall be licensed as an attorney
27 in the state of Iowa and shall not be employed or have been
28 employed by the department in the past eight years or have
29 appeared in front of the department on behalf of an elder group
30 home in the past eight years. Preference shall be given to an
31 attorney with background knowledge, experience, or training
32 in long-term care. The department may issue a request for
33 proposals to enter into a contract for the purpose of providing
34 one or more independent reviewers for informal conferences.

35 4. An elder group home that desires to further contest an



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 affirmed or modified regulatory insufficiency may do so in the
2 manner provided by chapter 17A for contested cases. The home
3 shall give notice of intent to formally contest a regulatory
4 insufficiency, in writing, to the department within five days
5 after receipt of the written decision of the independent
6 reviewer. The formal hearing shall be conducted in accordance
7 with chapter 17A and rules adopted by the department.

8 5. An elder group home that has exhausted all adequate
9 administrative remedies and is aggrieved by the final action of
10 the department may petition for judicial review in the manner
11 provided by chapter 17A.

12 Sec. 19. Section 231B.10, subsection 1, Code 2014, is
13 amended by adding the following new paragraphs:

14 NEW PARAGRAPH. *0i.* In the case of an application by an
15 existing certificate holder for a new or newly acquired elder
16 group home, continuing or repeated failure of the certificate
17 holder to operate any previously certified elder group home
18 or homes in compliance with the provisions of this chapter,
19 the rules adopted pursuant to this chapter, or equivalent
20 provisions that the elder group home is subject to in this
21 state or any other state.

22 NEW PARAGRAPH. *00i.* Impeding the department's ability to
23 ensure the home's compliance with this chapter or with the
24 rules adopted pursuant to this chapter.

25 Sec. 20. Section 231C.10, subsection 1, Code 2014, is
26 amended by adding the following new paragraphs:

27 NEW PARAGRAPH. *0i.* In the case of an application by
28 an existing certificate holder for a new or newly acquired
29 assisted living program, continuing or repeated failure of the
30 certificate holder to operate any previously certified assisted
31 living program or programs in compliance with the provisions
32 of this chapter, the rules adopted pursuant to this chapter,
33 or equivalent provisions that the assisted living program is
34 subject to in this state or any other state.

35 NEW PARAGRAPH. *00i.* Impeding the department's ability to

LSB 5304XD (4) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 ensure the program's compliance with this chapter or with the
2 rules adopted pursuant to this chapter.

3 Sec. 21. Section 231D.5, subsection 1, Code 2014, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *Ok.* In the case of an application by
6 an existing certificate holder for a new or newly acquired
7 adult day services program, continuing or repeated failure of
8 the certificate holder to operate any previously certified
9 adult day services program or programs in compliance with the
10 provisions of this chapter, the rules adopted pursuant to this
11 chapter, or equivalent provisions that the adult day services
12 program is subject to in this state or any other state.

13 NEW PARAGRAPH. *Ok.* Impeding the department's ability to
14 ensure the program's compliance with this chapter or with the
15 rules adopted pursuant to this chapter.

16 Sec. 22. Section 231D.9A, Code 2014, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **231D.9A Exit interview — issuance of findings.**

19 1. The department shall provide an adult day services
20 program an exit interview at the conclusion of a monitoring
21 evaluation or a complaint investigation, and the department
22 shall inform the program's representative of all issues and
23 areas of concern related to the insufficient practices. The
24 department may conduct the exit interview in person or by
25 telephone, and the department shall provide a second exit
26 interview if any additional issues or areas of concern are
27 identified. The program shall have two working days from the
28 date of the exit interview to submit additional or rebuttal
29 information to the department.

30 2. The department shall issue the final findings of a
31 monitoring evaluation or complaint investigation within
32 ten working days after completion of the on-site monitoring
33 evaluation or complaint investigation. The final findings
34 shall be served upon the program personally, by electronic
35 mail, or by certified mail.

LSB 5304XD (4) 85
ad/nh

10/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Sec. 23. Section 231D.10, Code 2014, is amended to read as
2 follows:

3 **231D.10 Public disclosure of findings.**

4 Upon completion of a monitoring evaluation or complaint
5 investigation of an adult day services program by the
6 department pursuant to this chapter, ~~including the conclusion~~
7 ~~of informal review~~, the department's final findings with
8 respect to compliance by the adult day services program with
9 requirements for certification shall be made available to
10 the public in a readily available form and place. Other
11 information relating to an adult day services program that
12 is obtained by the department which does not constitute the
13 department's final findings from a monitoring evaluation or
14 complaint investigation of the adult day services program shall
15 not be made available to the public except in proceedings
16 involving the denial, suspension, or revocation of a
17 certificate under this chapter.

18 Sec. 24. NEW SECTION. **231D.10A Informal conference —**
19 **formal contest — judicial review.**

20 1. Within twenty business days after issuance of the final
21 findings, the adult day services program shall notify the
22 director if the program desires to contest the findings and
23 request an informal conference.

24 2. The department shall provide an independent reviewer
25 to hold an informal conference with an adult day services
26 program within ten working days after receiving a request from
27 the program pursuant to subsection 1. At the conclusion of
28 the informal conference, the independent reviewer may affirm,
29 modify, or dismiss a contested regulatory insufficiency. The
30 independent reviewer shall state in writing the specific
31 reasons for the affirmation, modification, or dismissal and
32 immediately transmit copies of the statement to the department
33 and to the program.

34 3. An independent reviewer shall be licensed as an attorney
35 in the state of Iowa and shall not be employed or have been

LSB 5304XD (4) 85

-11-

ad/nh

11/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 employed by the department in the past eight years or have
2 appeared in front of the department on behalf of an adult day
3 services program in the past eight years. Preference shall be
4 given to an attorney with background knowledge, experience,
5 or training in long-term care. The department may issue a
6 request for proposals to enter into a contract for the purpose
7 of providing one or more independent reviewers for informal
8 conferences.

9 4. An adult day services program that desires to further
10 contest an affirmed or modified regulatory insufficiency may do
11 so in the manner provided by chapter 17A for contested cases.
12 The program shall give notice of intent to formally contest
13 a regulatory insufficiency, in writing, to the department
14 within five days after receipt of the written decision of the
15 independent reviewer. The formal hearing shall be conducted
16 in accordance with chapter 17A and rules adopted by the
17 department.

18 5. An adult day services program that has exhausted all
19 adequate administrative remedies and is aggrieved by the final
20 action of the department may petition for judicial review in
21 the manner provided by chapter 17A.

22 Sec. 25. APPLICABILITY.

23 1. The sections of this Act amending sections 231B.8 and
24 231B.9 and adding section 231B.9A apply to an elder group home
25 desiring to request an informal conference under chapter 231B
26 on or after January 1, 2015.

27 2. The sections of this Act amending sections 231D.9A and
28 231D.10 and adding section 231D.10A apply to an adult day
29 services program desiring to request an informal conference
30 under chapter 231D on or after January 1, 2015.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill makes changes to employment background checks,
35 disciplinary procedures, and procedures for contesting

LSB 5304XD (4) 85

ad/nh

12/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 regulatory insufficiencies for certain entities regulated by
2 the department of inspections and appeals (DIA).

3 The bill changes the crimes for which a hospital can
4 temporarily employ a person who committed the crime pending
5 completion of a department of human services evaluation
6 to determine whether the crime warrants prohibition of
7 employment at the hospital or health care facility. The bill
8 disallows such continued employment for simple misdemeanors
9 under the motor vehicles and law of the road chapter. The
10 bill eliminates duplicative language regarding crimes for
11 which a health care facility can temporarily employ a person
12 who committed a crime and crimes for which a student can
13 temporarily continue with a clinical education component.

14 The bill provides that the DIA has the authority to deny,
15 suspend, or revoke the license of a health care facility, elder
16 group home, assisted living program, or adult day services
17 program for the failure to comply with any provisions that the
18 entity is subject to that are equivalent to those provisions in
19 Code chapter 135C, 231B, 231C, or 231D, respectively, and for
20 impeding the DIA's ability to ensure the facility complies with
21 applicable provisions.

22 The bill replaces references to a certified volunteer
23 long-term care ombudsman with a representative of the office
24 of long-term care ombudsman in certain circumstances including
25 inspecting a facility upon a complaint of alleged violations.

26 The bill also replaces certain references to inspectors and
27 investigators for inspections of health care facilities with
28 references to authorized representatives of DIA, the department
29 of human services, or the office of long-term care ombudsman,
30 as applicable. The bill also provides that the office of
31 long-term care ombudsman is required to assist DIA in carrying
32 out the provisions of the health care facilities Code chapter.

33 The bill replaces the informal review process for contesting
34 regulatory insufficiencies identified through monitoring
35 evaluations or complaint investigations of elder group homes

LSB 5304XD (4) 85

-13-

ad/nh

13/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 and adult day services programs with an exit interview,
2 informal conference, formal contest, and judicial review in a
3 process similar to that available for health care facilities
4 and assisted living programs. The informal conference is
5 conducted by an independent reviewer who may affirm, modify,
6 or dismiss the regulatory insufficiency. The reviewer must
7 provide specific written reasons for the decision and transmit
8 copies of that statement to DIA and the elder group home or
9 adult day services program. An elder group home or adult day
10 services program that wants to further contest the independent
11 reviewer's affirmed or modified regulatory insufficiency may do
12 so pursuant to the provisions in Code chapter 17A for contested
13 cases. After exhausting the administrative remedies, an elder
14 group home or adult day services program may petition for
15 judicial review pursuant to Code chapter 17A. The changes to
16 the informal review process apply to elder group homes and
17 adult day services programs wishing to request an informal
18 conference on or after January 1, 2015.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

Senate Study Bill 3012 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PHARMACY
BILL)

A BILL FOR

1 An Act relating to in-state special or limited-use pharmacy
2 licensure and nonresident pharmacy practices, licensure, and
3 discipline.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5260DP (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 Section 1. Section 155A.13, subsections 3 and 5, Code 2014,
2 are amended to read as follows:

3 3. The board may issue a ~~special or~~ limited-use pharmacy
4 license or a telepharmacy license based upon special conditions
5 of use imposed pursuant to rules adopted by the board for cases
6 in which the board determines that certain requirements may be
7 waived.

8 5. A hospital which elects to operate a pharmacy for other
9 than its own use is subject to the requirements for a general
10 pharmacy license. If the hospital's pharmacy services for
11 other than its own use are special or limited, the board
12 may issue a ~~special or~~ limited-use pharmacy license or a
13 telepharmacy license pursuant to subsection 3.

14 Sec. 2. Section 155A.13A, subsection 2, Code 2014, is
15 amended to read as follows:

16 2. *License renewal.* A nonresident pharmacy shall renew its
17 license on or before January 1 annually. In order to renew
18 a nonresident pharmacy license, a nonresident pharmacy shall
19 submit a renewal application and fee as determined by the
20 board, and shall fulfill all of the requirements of subsection
21 1, paragraphs "b" through "e". A nonresident pharmacy shall pay
22 an additional fee for late renewal as determined by the board.

23 Sec. 3. Section 155A.13A, Code 2014, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. 2A. *Pharmacist licensure requirement.* At
26 least one pharmacist employed by the nonresident pharmacy, who
27 shall be designated the pharmacist in charge of the nonresident
28 pharmacy, shall maintain a current license to practice pharmacy
29 in Iowa during any period that the nonresident pharmacy is
30 licensed by the board.

31 NEW SUBSECTION. 2B. *Sterile compounding practice.* A
32 nonresident pharmacy that engages in the preparation of any
33 sterile compounded product for dispensing to or for a patient
34 located in Iowa shall comply with rules relating to sterile
35 compounding practices adopted by the board. A nonresident

LSB 5260DP (3) 85
ad/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 pharmacy engaging in sterile compounding shall pay an amount
2 necessary to cover the board's costs of conducting periodic
3 inspections of the pharmacy's operations. Costs recovered
4 pursuant to this subsection shall be considered repayment
5 receipts as defined in section 8.2.

6 NEW SUBSECTION. 2C. *Inspections.* The board may inspect the
7 premises and practices of any applicant for a new nonresident
8 pharmacy license or for renewal of a nonresident pharmacy
9 license.

10 Sec. 4. Section 155A.13A, subsection 3, Code 2014, is
11 amended to read as follows:

12 3. *Discipline.* The board may deny an application for a
13 new or renewal of a nonresident pharmacy license if an agent
14 of the board is refused access to the pharmacy or pharmacy
15 records for the purpose of conducting a periodic inspection
16 or investigation. The board may deny, suspend, or revoke a
17 nonresident pharmacy license for any violation of this section,
18 section 155A.15, ~~subsection 2, paragraph "a", "b", "d", "e",~~
19 ~~"f", "g", "h", or "i",~~ chapter 124, 124A, 124B, 126, or 205, or
20 a rule of the board.

21 Sec. 5. Section 155A.15, subsection 1, Code 2014, is amended
22 to read as follows:

23 1. a. A pharmacy subject to section 155A.13 shall not be
24 operated until a license or renewal certificate has been issued
25 to the pharmacy by the board.

26 b. A pharmacy subject to section 155A.13A shall not offer
27 or provide pharmaceutical services to patients located in Iowa
28 until a license or renewal certificate has been issued to the
29 pharmacy by the board.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to in-state special or limited-use
34 pharmacy licensure and nonresident pharmacy practices,
35 licensure, and discipline. The bill eliminates references

LSB 5260DP (3) 85
ad/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 14, 2014

S.F. _____ H.F. _____

1 to special pharmacy licenses. The bill allows the board of
2 pharmacy to issue telepharmacy licenses pursuant to the rules
3 of the board.

4 The bill amends the requirements and practices for licensure
5 of a nonresident pharmacy. A licensed nonresident pharmacy
6 must submit an application for renewal of its license. The
7 bill also requires the pharmacist in charge of a nonresident
8 pharmacy to have a license to practice pharmacy in Iowa.

9 The bill prohibits a nonresident pharmacy from providing
10 pharmaceutical services to a patient in Iowa until the pharmacy
11 is licensed by the board.

12 The bill requires pharmacies to comply with the rules
13 of the board for the preparation of sterile compounding
14 products when engaging in the sterile compounding of any
15 product for dispensing to or for a patient located in Iowa and
16 also requires these pharmacies to pay the board's costs in
17 conducting inspections of the nonresident pharmacy's sterile
18 compounding operations. The bill authorizes the board to
19 inspect the premises and practices of applicants for a new
20 nonresident pharmacy license or for renewal of a nonresident
21 pharmacy license.

22 The bill states that the board may deny an application for
23 a new or renewal of a nonresident pharmacy license if the
24 pharmacy refuses the board access to the pharmacy or pharmacy
25 records.

26 The bill adds to the list of violations that could lead to a
27 denial, suspension, or revocation of a nonresident pharmacy's
28 license. These additional violations include operating a
29 nonresident pharmacy without a license and a violation by the
30 pharmacy or a pharmacist of any provision in the pharmacy
31 chapter or rule adopted pursuant to the chapter.